

WEST VIRGINIA MILITARY AUTHORITY

PERSONNEL POLICIES AND PROCEDURES



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PERSONNEL POLICIES & PROCEDURES

SECTION 1 GENERAL PROVISIONS

- 1.1 Authority – West Virginia Code §15-1J, et Seq.
- 1.2 Preamble. The West Virginia Military Authority (“Authority”) establishes these policies and procedures to provide for the sound administration of personnel management for the Authority and its employees. The policies and procedures are intended to recognize employee rights while protecting the interests of the Authority to fulfill its goal and to comply with all applicable federal and state legal requirements. In the event of conflict with any legal requirement, then these policies shall not apply to the Authority and its employees.
- 1.3 Appointing Authority. The Adjutant General is the appointing authority for the West Virginia Military Authority. The Adjutant General may delegate any and all personnel management functions in writing, including approval of further delegation beyond the initial designee. The Authority shall maintain a written record of all approved delegation of personnel management authority.
- 1.4 The Authority shall ensure that all employees have been properly oriented to the workplace and have been made aware of all applicable laws, regulations, policies and procedures.
- 1.5 The Adjutant General and all West Virginia Military Authority managers and supervisors are accountable for compliance with these policies and procedures and any applicable laws, regulations and executive orders.
- 1.6 Employee Responsibility. Covered employees are required to know and comply with these policies and procedures and any applicable laws, regulations, and executive orders.
- 1.7 Personnel Records
 - (a) The Authority shall maintain personnel records in written or electronic form. The Authority shall designate a records custodian who is accountable for the maintenance, confidentiality and access, and disposition of all records as required by federal and state laws and these policies and procedures.
 - (b) Official personnel file – The Authority shall maintain an official personnel file for all current employees during their tenure and for former employees in compliance with all applicable federal and state laws. The official personnel file shall include the following records and information: name, work history, salary, changes in status, performance evaluations,



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commendations, disciplinary actions and other required or pertinent personnel information.

- (c) Access – Information from an employee’s official personnel file shall be released under the following conditions:
 - (1) When requested by the employee or by an individual with written authorization from an employee;
 - (2) Agency officials on a need-to-know basis;
 - (3) Agency officials. Employees in normal line of duty;
 - (4) A person acting in response to a court order or subpoena; or
 - (5) In response to a Freedom of Information Act request as determined by the FOIA representative.
 - (d) Medical Records – All medical records shall be maintained in a separate file that is not part of the employee’s official personnel file. Disclosures from employee records kept by the Authority shall be made only in accordance with applicable federal and state law.
- 1.8 Correction of errors – The Adjutant General, or his designee, has the authority to determine if a manifest error has occurred and to correct the error.
- 1.9 Interpretation and Application – The Adjutant General may use his discretion in the interpretation and application of these policies and procedures when deemed necessary in support of the goals of the Authority.
- 1.10 Amendments – The Adjutant General may amend these Policies and Procedures as it becomes necessary.



SECTION 2 DEFINITIONS

- 2.1 Annual increment: An annual lump sum payment to eligible employees based on qualifying years of service.
- 2.2 Annual leave: An earned employee benefit of paid time off from work with prior approval of the appointing authority or designee.
- 2.3 Appointing Authority: The Adjutant General of West Virginia as established in WV Code SS 15-1, et seq.
- 2.4 Appointment: The act of hiring an applicant for employment.
- 2.5 Assignment: The placement of a position in a job title by the Adjutant General.
- 2.6 At-will employee: An employee whose employment is for no specified duration.
- 2.7 Authority: The state agency established pursuant to WV Code §15-1, et seq.
- 2.8 Covered employee: Any employee of the West Virginia Military Authority who is paid wholly or in part by federal funds.
- 2.9 Day: unless otherwise specified, the use of “day” means calendar day.
- 2.10 Demotion: A change in status of an employee from a job in one salary range to a job in a lower salary range for cause or a reduction in an employee’s pay to a lower rate in salary range assigned to current job.
- 2.11 Division of Personnel: The division in the Department of Administration responsible for the system of personnel administration for the classified and classified-exempt service.
- 2.12 Effective Date: The established date an action takes effect.
- 2.13 Evaluation: The assessment of an applicant’s education, work experience and fitness qualifications against the minimum qualification for a job.
- 2.14 Exempt employee: an employee who is not eligible for overtime und the Fair Labor Standards Act (FLSA.)
- 2.15 Family Sick Leave: (80) hours of the employee’s accrued sick leave balance per calendar year that can be used for the healthcare of an immediate family member.
- 2.16 FLSA: Fair Labor Standards Act.



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- 2.17 Fitness: Suitability to perform all essential duties of a position by virtue of meeting the minimum qualifications and any other requirements for a job established by the Authority.
- 2.18 Grievance: A complaint filed by a regular employee in the areas of termination, suspension, demotion, involuntary transfer of more than 30 miles or salary decrease.
- 2.19 Immediate Family: Consists of parents, children, siblings, spouse, parents-in-law, children-in-law, grandparents, grandchildren, step-parents, step-siblings, stepchildren, foster children, individuals in an in loco parentis relationship and individuals in a legal guardianship relationship.
- 2.20 Initial Employment: The original employment of an employee for a vacant regular position.
- 2.21 Job description: The official description of a job class approved by the Authority which describes the nature of work, illustrative examples of the work performed, and knowledge, skills and abilities required, and state the generally accepted minimum qualifications required for employment.
- 2.22 Knowledge, skills and abilities: Qualifications and personal attributes required to perform a job that are generally demonstrated through qualifying education and experience.
- 2.23 Last day of pay: The calendar date and hour an employee's pay ceases.
- 2.24 Last day of work: The last calendar date and hour an employee is physically on the job.
- 2.25 Layoff: A reduction in the number of employees due to reduced work load, curtailment of funds or reorganization.
- 2.26 Manifest error: An act or failure which is, or has clearly caused an error.
- 2.27 Minimum qualifications: The least experience and/or training required by the Authority for employment in a job and to make application for a job.
- 2.28 Non-exempt employee: An employee who is eligible for overtime under FLSA.
- 2.29 Oasis CPU – WV State central processing unit manages its financial, human resources, procurement and other administrative business processes.
- 2.30 Part-time employee: Any employee working less than the full-time work schedule established by the Authority.



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- 2.31 Position: An authorized and identified group of duties and responsibilities assigned by the Authority.
- 2.32 Probationary employee: An employee in an initial working test period from initial employment.
- 2.33 Probationary period: An initial working test period not to exceed twelve (12) months from initial employment.
- 2.34 Promotion: The assignment of an employee by the Authority from a position in one job to a position in another job having a higher salary range.
- 2.35 Reassignment: The changing of a job title of a position from one job title to another job title due to significant changes in the duties and responsibilities and assignments or the revision of a job title plan.
- 2.36 Reemployment: The return to employment of a former regular employee.
- 2.37 Regular employee: An employee hired for initial employment and who has successfully completed the probationary period for the job.
- 2.38 Resignation: The voluntary separation of an employee from employment with the Authority.
- 2.39 Salary adjustment: A salary change resulting from an across-the-board or general wage increase mandated by the Governor, the Legislature or The Adjutant General, a performance increase or a probationary increase.
- 2.40 Salary schedule: The official schedule of salaries approved by the Adjutant General.
- 2.41 Separation date: The last day of pay after the ending of the employment relationship.
- 2.42 State service: The total eligible state employment time which may be used to determine the rate of accrual for annual leave.
- 2.43 Suspension: A disciplinary action for a specified period of time in which an employee is not allowed to work and is not paid.
- 2.44 Temporary employee: A person hired in a limited-time appointment not to exceed 1040 hours in a twelve month period.
- 2.45 Termination: The involuntary separation of an employee from employment with the Authority.



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- 2.46 Transfer: The movement of an employee by the Authority from one geographic location to another location or from one organizational unit to another unit.



SECTION 3 JOB TITLES AND DESCRIPTIONS.

- 3.1 Policy. Given the objective and funding sources of the Authority, job descriptions shall be a general statement of broad categories or duties and responsibilities. The Authority shall have the discretion to change job duties and responsibilities of any employee as the purpose and staff levels require. The Authority shall establish and maintain a job title plan to identify and document the kinds and levels of jobs in the Authority. The job plan shall be used to support the human resources management function of the Authority to include recruitment and selection, employee movement, job evaluation, salary administration, performance evaluation, training, and workforce planning and to comply with any applicable provisions of master cooperative agreements. The Adjutant General has sole authority to adopt, revise, combine or abolish job titles and descriptions.
- 3.2 Procedure
- (a) Position Descriptions – A position description form shall be completed for each position or group of similar positions. The position description shall include a statement of the general purpose of the position, a description of the current duties and responsibilities assigned by proper authority and other pertinent information. The position description shall not limit the authority of The Adjutant General or his designee to alter the duties of a position at any time. The position description shall be updated whenever significant changes are made in the duties and responsibilities of a position.
- (b) Job Descriptions – The Authority shall prepare a description for each job showing the job code, title, general nature of work, essential functions, required knowledge, skills and abilities, minimum requirements of education and work experience, and other special requirements such as licensure or certifications. The statement of minimum education and experience requirements and any other requirement shall be the basis for the recruitment and selection of applicants and for the promotion and assignment of employees to positions. In cases of recruitment difficulties or unique job requirements, The Adjutant General or his designee may use his discretion in interpreting minimum education and experience requirements and other qualifications and in accepting equivalent experience, training and/or licensure. The job description shall not limit the authority of The Adjutant General or his designee to alter the duties of a position at any time.



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- (c) Assignment of Positions – No position shall be filled until it has been authorized by The Adjutant General with approved title, an approved job description and assigned salary range.

- (d) Plan Maintenance – Whenever The Adjutant General adopts, revised, combines or abolished a job title, the official job title plan shall be updated and communicated to the State Budget Office and the Oasis CPU prior to the effective date of the change.



SECTION 4 SALARY ADMINISTRATION

- 4.1 Policy – The Authority shall establish and adopt a competitive salary schedule and salary administration plan to facilitate the recruitment and retention of qualified employees and to support the goal of the agency. The salary schedule shall be effective only after it has been approved by The Adjutant General. No salary shall be approved unless it conforms to the salary range assigned to the employee’s job and with the approval salary administration plan. The Adjutant General shall have sole authority to make exceptions to the approved salary schedule and salary administration plan as he deems necessary and appropriate. Any salary increases or adjustments permitted in this section shall be conditioned on the availability of federal and state funds. All employees shall be paid in proportion to time worked.
- 4.2 Hiring Salaries – The Adjutant General shall determine the hiring rate within the salary range for a new employee which is typically the minimum rate unless recruitment difficulties or other unusual conditions exist. The Adjutant General may approve a hiring rate above the range minimum when the Authority experiences difficulty in obtaining qualified applicants after normal advertising or when the job requires experience and competencies beyond entry level and the best qualified applicant cannot be hired at the range minimum rate. The policy for setting hiring rates shall apply also to reemployment of former employees.
- 4.3 Salary Increases – The following salary increases result in the movement of the employee’s salary within the salary range assigned to the current job.
- (a) General or across-the-board salary increases approved by The Adjutant General or salary increases similar to those provided to state employees by the Legislature or the Governor.
 - (b) Probationary increases for select jobs upon successful completion of the required certifications or training at a rate or amount to be determined by The Adjutant General.
 - (c) Salary Merritt increases shall be based on quality performance as evidenced by the Employee Performance Review (EPR-1) annual performance appraisal form for the agency's most current performance review cycle and shall not be given to an employee whose appraisal rating is below Meets Expectations.
- 4.4 Promotional Increase – When an employee is promoted to a job in a higher salary range the current salary shall be adjusted to the appropriate step in the higher salary range. The Adjutant General may adjust the salary amount as he deems necessary and appropriate.
- 4.5 Salary Schedule Adjustments – Whenever The Adjutant General approves an increase to the official salary schedule of the Authority, the salary of each covered



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employee shall be adjusted to the same salary grade and step in the new salary schedule.

- 4.6 Salary on Return from Leave of Absence – An employee returning from a leave of absence shall be paid the same salary as when the leave of absence commenced; provided, the employee shall be granted any general wage increases and salary schedule adjustments granted during the leave of absence and any salary increases otherwise required by federal or state law.
- 4.7 Pay on Reassignment – The pay for an employee who is reassigned to a different job title shall be set as follows:
- (a) if the employee is reassigned to a job title in a higher salary range and the current rate of pay is below the minimum rate of the higher salary range, then the rate of pay shall be adjusted to that minimum rate;
 - (b) if the employee is reassigned to a job title in the same salary range, then the rate of pay shall remain the same;
 - (c) the employee is reassigned to a job title in a lower salary range, then the rate of pay shall be reduced at least to the maximum rate of the lower range. The Adjutant General may reduce the salary to a lower rate in the range at his discretion.
- 4.8 Pay on Demotion – The pay for an employee who is demoted may not exceed the maximum rate of the range for the lower salary range. The Adjutant General shall have the discretion to reduce the salary to a lower rate in the new range as he deems necessary and appropriate.
- 4.9 Timing of Salary Adjustments – When two or more pay actions have the same effective date, the transactions shall be processed in the following sequence:
- (a) salary schedule changes;
 - (b) across-the-board increases;
 - (c) promotional increases;
 - (d) probationary increases; and,
 - (e) demotion decreases.



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- 4.10 Additional Pay – Except for authorized overtime and the annual increment, no pay in addition to the regular salary shall be granted except where authorized and permitted by these policies and procedures. The rates provided do not include reimbursement for expenses incurred incident to employment such as travel reimbursement.
- 4.11 Overtime
- (a) **Workweek:** The time period of seven (7) consecutive days, beginning on Saturday at 12:00 am and ending at specified on Friday at 11:59 pm, during which work is performed and work hours reported for compliance with applicable federal and state labor law. A pay period constitutes two work weeks (14 days.)
 - (b) **Approval:** All overtime must be approved in advance by The Adjutant General. When responsibilities of the work unit cannot be met in the normal work hours, overtime may be requested. When overtime work is necessary, the first option is to adjust work schedules within the work week or work period. If work schedule adjustment is not a viable option, then the unit manager/supervisor shall submit a written request to The Adjutant General requesting approval for the payment of overtime. Except in emergency situations, overtime work shall not commence unless approval is received from The Adjutant General. An employee working under a cooperative agreement which does not permit payment for overtime shall not be permitted to work overtime. Proper records and documentation shall be maintained by the approving manger or supervisor.
 - (c) **Exemptions:** The Authority shall determine exemptions from overtime requirements for executive, professional and administrative employees in accordance with the Fair Labor Standards Act (FLSA.)
 - (d) **Non-exempt employees:** Non-exempt employees who work in excess of 40 hours in a workweek shall be paid at the rate of 1 ½ times the employee’s regular rate of pay for each excess hour worked. This should also include firefighters who work in excess of 106 hours per pay period.
 - (e) **Exempt employees:** Exempt employees shall not be paid overtime or granted compensatory time.
 - (f) **Records:** The Authority shall maintain the following records for all FLSA covered employees:
 - (1) Name



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- (2) social security number
 - (3) home address
 - (4) date of birth
 - (5) gender and occupation
 - (6) employee work hours
 - (7) regular rate of pay
 - (8) hours worked each day and total hours each workweek.
- 4.12 Review and Documentation – The Authority shall review all pay actions prior to the effective date to ensure compliance with these policies and procedures. The Authority shall maintain necessary and appropriate documentation for all pay actions.
- 4.13 Annual increment – All eligible employees shall receive payment of the annual increment prescribed in WV Code §5-5-2.



SECTION 5 EMPLOYMENT

- 5.1 Policy – The West Virginia Military Authority is an equal opportunity employer. The recruitment and selection of the applicants shall be based on their knowledge, skills and abilities and overall fitness for employment with the Authority and shall be conducted on open competitive basis for initial appointment. The Authority shall strive to balance the advancement of qualified current employees with employment of qualified new employees. The Authority shall provide training for all hiring managers and supervisors on federal and state employment laws, interview techniques and other employee selection procedures. The Authority may enter into agreements with other state agencies or the Workforce Development Council to advertise vacant positions and to supply applicants for vacancies as necessary.
- 5.2 Vacancy Announcements – The hiring unit shall submit a vacancy announcement, to include a funding source from an Appendix or Master Cooperative Agreement or other source, as appropriate, with justification to fill the position to The Adjutant General, or designee for consideration. Upon approval of the request, the vacant position shall be posted in a conspicuous place in all Authority work locations and on the Division of Personnel website for at least ten (10) working days. Vacancy announcements shall include the following information:
- (a) job title and code;
 - (b) description of the major duties and responsibilities;
 - (c) salary range and special hiring rate, if any;
 - (d) minimum qualifications and special requirements;
 - (e) the open and closing dates;
 - (f) job location;
 - (g) full-time or part-time status; and,
- 5.3 Exceptions – Upon written request of the hiring unit, The Adjutant General may waive the posting requirement when filling a vacant position under the following circumstances:
- (a) when an emergency exists which requires that the position be filled immediately;



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- (b) when a current employee possesses exceptional qualifications or competencies directly related to the job requirements with appropriate quality and length of service; or,
- (c) when The Adjutant General determines that a direct appointment is necessary due to the direct reporting relationship and the critical nature of the job.
- (d) The Authority shall maintain written justification of any exceptions to the posting requirements.

5.4 Applications – The Authority shall prescribe the form for employment applications. Applications must be filed on or prior to the closing date listed on the vacancy announcement. Applicants must attest to the truthfulness and an accuracy of information on the application under penalty of disqualification or disciplinary action. The Authority may require verification of any information on applications for vacant positions. The Authority may disqualify an application when the applicant:

- (a) does not meet the education and training requirements for the job;
- (b) has a disability and is incapable of performing the essential functions of the job with reasonable accommodations;
- (c) has been convicted of a crime;
- (d) has made a false statement or misrepresentation on the application;
- (e) has been previously dismissed from state service for cause;
- (f) has previous service with the state which was found to be unsatisfactory;
- (g) is not eligible to work in the United States;
- (h) has used or sought to use political influence or other in appropriate pressure in connection with an appointment or promotion; or
- (i) does not meet any other federal requirement for the position.

5.5 Application Processing – The hiring unit shall establish the procedure for acknowledging receipt of applications for employment and promotion and for the subsequent processing of applications and scheduling interviews. The hiring unit



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shall maintain records of actions taken with regard to applications for employment and applicant evaluations. Prior to making a recommendation for initial employment, the hiring unit shall interview at least three applicants, if available.

5.6 Applicant Evaluation

- (a) Applicants must meet the minimum qualifications and any special requirements established for the job. The basis for applicant evaluation shall be the applicant's documented education and experience and other appropriate assessment results relative to the stated minimum qualifications and special requirements and their overall fitness for employment with the Authority. When requested, applicants shall furnish verification of character, education, experience, physical condition and other qualifications. The same evaluation criteria shall be applied uniformly to all applicants for each vacancy.
- (b) In order to provide varying perspectives, help eliminate bias and involve employees in the hiring process, the hiring unit shall use a multi-member interview panel consisting of at least three people. To the extent practicable, the interview panel should be representative (i.e. race, gender of the Authority workforce). Each panel member shall be familiar with the organization and the duties and responsibilities of the vacant position. No job offer shall be made until the closing date of the vacancy announcement has lapsed and the applicant evaluation process (interviews is complete). A job made contrary to this subsection shall not be binding on the Authority.

5.7 Appointments

- (a) a probationary appointment shall be made upon initial employment for a regular position;
- (b) a regular appointment shall be made for an employee who successfully completes the initial employment probationary period;
- (c) a temporary appointment may be made for time-limited employment not to exceed 1040 hours in a twelve month period;
- (d) a part-time appointment for employment at less than the full-time work schedule; and,



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- (e) a direct appointment may be made in accordance with Section 5.3 (c) of this section

- 5.8 Reemployment – The Authority may reemploy a former employee provided the hiring unit verifies that the employee meets the minimum qualifications as stated on the official job description. The former employee must make application for reemployment in response to a vacancy announcement.

- 5.9 Approval and Effective Date – Appointments, promotions or reemployments to fill vacant positions must be approved by The Adjutant General and shall not become effective until such approval is made.



SECTION 6 EMPLOYMENT MOVEMENT

- 6.1 Promotion – When in the interest of the Authority, vacant positions may be filled by promotion after consideration of eligible covered employees based on demonstrated capacity and quality and length of service. An employee who is being promoted must meet the stated minimum qualifications for the position. The hiring unit shall maintain appropriate records of employees who have made application for promotion in response to a posted vacant position.
- 6.2 Transfer – An employee may be transferred from one organizational unit within the Authority to another organizational unit within the Authority at any time.
- 6.3 Reassignment – Whenever the Authority significantly alters the duties and responsibilities of any position a review shall be made to determine if the position should be reassigned to another job. The employee currently filling the position shall remain in the position. Whenever jobs are established, combined or abolished, affected positions shall be reassigned based on a comparison to the new or revised job descriptions. An employee currently filling an affected position shall remain in the position.
- 6.4 Demotion – When necessary, the Authority may demote an employee to a job in a lower salary range or reduce the salary in the current salary range due to inability to perform the duties of the position or for misconduct.



SECTION 7 CONDITIONS OF EMPLOYMENT

7.1 Hours.

- (a) Generally, the core hours during which the Authority remains open for business are 7:30 a.m. to 4:00 p.m., Monday through Friday.
- (b) Firefighters, Security Forces and Mountaineer Challenge Academy work operate on 24 hour shifts, 7 days per week.
- (c) The number of hours worked per week is 40 hours. The Authority may vary an employee's work hours through alternative scheduling to meet the goals of the agency. Firefighters work 106 hours per pay period.
- (d) The Authority may require an employee to work additional hours beyond the normal work day when necessary due to workload or emergencies.
- (e) The Authority shall maintain accurate records of all employee hours of work and leave accumulated and used. The Adjutant General is ultimately responsible for the accuracy of leave records for the agency.

7.2 Standards of Conduct – In addition to the requirements of any applicable federal and state laws and the Joint Ethics Regulation, the following standards of conduct shall apply to all Authority employees;

- (a) Required Conduct.
 - (1) maintain high standards of honesty, integrity and impartiality free from personal consideration or benefit;
 - (2) be courteous, considerate and prompt in serving the public and in dealing with other employees at all levels;
 - (3) conduct oneself in a way which does not bring discredit or embarrassment to the state or Authority; and,
 - (4) comply with federal and state laws and regulations and with agency policies and directives.
- (b) Prohibited Conduct.
 - (1) use his or her position for personal gain or benefit;



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- (2) put himself or herself in a position where another could expect official favor;
 - (3) accept or solicit directly or indirectly a gift, gratuity, favor, entitlement or loan that is designed to influence official conduct;
 - (4) directly or indirectly use government property, resources or equipment for other than official business unless such use is authorized by the Authority;
 - (5) engage in outside employment which conflicts with the full and proper discharge of duties and responsibilities of the position held or which impairs the ability of the employee to properly perform the duties of the position (Appendix A must be submitted); and,
 - (6) restrict an employee from joining or participating in activities of employee organizations.
 - (7) An employee shall not take any punitive action against another employee which interferes with their exercise of any rights granted under federal or state law or these policies.
- (c) Employment of Family Members – No employee shall take any action to cause or influence the employment, promotion, reassignment, transfer or advancement of a family member. No employee shall directly supervise a member of his or her immediate family. In the event that an employee, through marriage, adoption, etc., is placed in a prohibited business relationship with a family member, the situation shall be resolved within thirty (30) calendar days by transfer or reassignment of one of the employees.
- (d) Outside Employment – Covered employee shall not engage in outside employment which conflicts with the full and proper discharge of assigned duties and responsibilities. Outside employment includes any job, contract or work agreement made with another employer including self-employment. Covered employees must disclose and request approval to engage in outside employment. Note: See Appendix A The Authority will determine if the outside employment:
- (1) will be in conflict with interests of the agency;



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- (2) will interfere with the performance of the employee's official duties;
- (3) will use or appear to use information obtained in connection with official duties which is not generally available to the public; or,
- (4) reasonably be regarded as official action.
- (5) If it is determined that a conflict exists from outside employment, then the employee must relinquish either his or her position with the Authority or the outside employment. Failure to give proper notice of and to request approval of outside employment may result in disciplinary action including termination.

7.3 Probation Period - The probationary period is a trial work period designed to allow the agency the opportunity to evaluate the ability of the employee to effectively perform the work of the position and their adjustment to the program and the agency.

- (a) Duration. The probationary period is six (6) months. The Authority may extend the probationary period up to six months for employment related to reasons.
- (b) Completion of Probation.
 - (1) The immediate supervisor shall evaluate the performance of a probationary employee at least 45 days prior to the end of the probationary period. Upon the written recommendation of the hiring unit, The Adjutant General shall determine if the services of the probationary employee are to be retained. If approved by The Adjutant General, the employee shall be granted as a regular employee.
 - (2) If at any time during the probationary period the agency determines that the services of the employee are no longer required in the position, the agency shall terminate the employee without a stated reason and without right of appeal.

7.4 Performance Appraisal

- (a) The Authority shall establish a performance appraisal system to evaluate the performance of covered employees.



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- (b) Frequency
 - (1) Regular employees shall be evaluated at least annually.
 - (2) Probationary employees shall be evaluated at least 45 days prior to the completion of the probationary period.
 - (3) Special performance evaluations may be used in conjunction with performance improvement plans or disciplinary actions.
- (c) Performance Ratings – The performance appraisal system shall include performance ratings which distinguish between exceeds expectations, meets expectations and need improvement levels of performance.
- (d) Performance Expectations
 - (1) an employee is expected to meet or exceed performance standards;
 - (2) managers and supervisors shall comply with performance appraisal requirements; and,
 - (3) the Authority shall ensure that all performance appraisals are completed as required by these policies.
- (e) Improvement Plans – If an employee’s performance is rated as Needs Improvement, then the supervisor shall develop and monitor a performance improvement plan to address the deficiencies as soon as practicable.

Note: See Appendix B for performance forms and instructions.

7.5 Political Activities

- (a) The Authority shall not appoint, promote, demote or dismiss or in any way favor or discriminate against any person with respect to such employment because of his or her political opinions or affiliations. Nothing in this subsection shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found to be disloyal to this nation
- (b) No person shall seek or attempt to use any political endorsement in connection with any appointment with the Authority.



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- (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage to a position with the Authority or any increase in pay or other advantage in employment for any position, for the purpose of influencing the vote or political action of any person or for any candidate.
- (d) Political participation pertaining to constitutional amendments, referendums, approval of municipal ordinances or activities are not prohibited.
- (e) In addition to applicable provisions of the Joint Ethics Regulations, all covered employees are subject to the provisions of the Hatch Act for State and Local Government Employees restricting political activities, 5 USC 1501-8, as follows:
 - (1) Permitted Activities – Covered employees may
 - (a) run for public office in non-partisan elections;
 - (b) campaign for and hold office in political clubs or organizations;
 - (c) actively campaign for candidates for public office in partisan and non-partisan elections; or,
 - (d) contribute money to political organizations and attend political fundraisers
 - (2) Prohibited Activities – Covered employees may not
 - (a) be a candidate for public office in a partisan election;
 - (b) use official authority or influence to interfere with or effect the results of an election on nomination; or
 - (c) directly or indirectly coerce contributions from subordinates in support of a political party or candidate

7.6 Training and Development



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- (a) The Authority may sponsor and support training for employees based on current and future competency needs and agency budget resources.
- (b) The Authority may require an employee to attend specific job related training classes in support of agency needs, new programs or initiatives. If attendance is required then the Authority will pay registration fees, travel and other expenses. Attendance at required training classes is considered work time.
- (c) The Authority may enter into agreements with the Division of Personnel or other federal and state agencies to provide competency training for employees.
- (d) Within the limits of agency budget resources and consistent with state guidelines, the Authority will generally support employee attendance at professional associate training and development meetings.

7.7 Dress, Grooming and Personal Hygiene

- (a) Policy – It is the policy of the Authority for all covered employees to present a neat, conservative appearance which is consistent and compatible with the military nature of our operation and organization. As a condition of employment, all covered employees have an obligation to maintain the level of dress, grooming and personal hygiene prescribed in this subsection. The following dress, grooming and personal hygiene standards are developed based on several factors including neatness, cleanliness, safety, military image and appearance. The standards are reasonable, enforceable and will contribute to a favorable public perception of our employees and the Authority. The Authority reserves the right to address any dress, grooming or personal hygiene issue not specifically covered in this subsection. Finally, the Authority will accommodate religious requirements and medical conditions of employees in the application of this subsection.
- (b) Dress – Business casual is the expected style of dress for Authority employees unless otherwise stated in the following paragraphs. Each unit supervisor shall be responsible for ensuring compliance with the Authority dress standards by his or her direct reports.
 - (1) Clothing should be clean and reflect a high standard of personal hygiene.



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- (2) Clothing which reveals too much cleavage, the back, stomach or underwear is prohibited.
- (3) Torn, dirty or frayed clothing is not permitted.
- (4) Casual slacks similar to Dockers or other cotton or synthetic materials, wool pants, flannel pants, pants that match a suit jacket and dress synthetic pants are acceptable. Jeans may be worn on casual days (i.e. Fridays) unless the Director of Operations or other authorized personnel at the facility determines that a special event or special guest dictates otherwise. Sweatpants, sweatshirts, exercise pants, Bermuda shorts, short shorts, shorts, bib overalls, leggings, spandex or form-fitting pants such as people wear for exercise are prohibited. Employees in building and grounds, equipment maintenance and warehousing may wear jeans as long as they are clean, in good repair and comport with other provisions of this subsection. Issued uniforms are to be worn, if required. Note: See Appendix L.
- (5) Clothing that states or alludes to obscenity, violence, sex, or advertise alcohol, tobacco, or illegal substances are prohibited; clothing with potentially offensive words, terms, logos, pictures, cartoons or slogans are not acceptable.
- (6) Clothing shall not cause a disruption in the workplace and such garments as strapless, halter or tank tops, midriff tops, tops with bare shoulders or plunging necklines, muscle shirts, and see-through clothing are prohibited.
- (7) An employee engaged in any type of hazardous or specialized duty may be required to wear protective clothing and equipment or specific uniform appropriate for the work as determined by the Authority and in compliance with applicable federal and state laws. Employees may be required to remove jewelry if restricted by regulation or the hazardous nature of the job duties or work environment.
- (8) Dress heels, loafers, boots, flats, leather-type deck shoes, or other sturdy shoes are acceptable. Flip flops are not permitted. Closed toe and closed heel shoes are required in building and grounds, warehousing and equipment maintenance work. Safety shoes may be required in appropriate work environments.



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- (9) Jewelry should be in good taste and may be restricted according to the job duties. Visible body piercing other than earrings is not allowed. Men may not wear earrings while on duty.
 - (10) Hats are not appropriate in the office setting. Head covers required for religious purposes or to honor cultural traditions are permitted.
 - (11) makeup should have a conservative and natural appearance. Some employees maybe allergic to the chemicals in perfume, so these substances should be worn with restraint. Fingernails shall be neatly trimmed and at a length which does not interfere with job duties.
 - (12) Employees shall at all times keep their bodies free of offensive odors.
- (c) Grooming – Hair must be kept neatly trimmed at all times consistent with an appropriate business appearance. Specific issues related to such appearance will be addressed by the immediate supervisor with a final determination by The Adjutant General, if necessary.
 - (d) Compliance – If dress, grooming and personal hygiene fail to meet these standards, as determined by the Authority, the employee will be asked not to wear the inappropriate item to work again or to correct the grooming or personal hygiene issue. With the next violation, the employee will be sent home to change clothes or to correct the grooming or personal hygiene issue and will receive a written warning. Annual leave shall be charged for lost worktime in this regard. Additional progressive discipline measures will be applied if dress, grooming and personal hygiene violations continue.
- 7.8 Physical Training. At his discretion, The Adjutant General may establish physical training or other employee activity programs to support and encourage healthy lifestyles, improve productivity, increase morale and reduce the use of sick leave. Note: See Physical Training Policy.



SECTION 8 DISCIPLINE.

8.1 Progressive Discipline – The Authority shall apply progressive discipline as a timely and effective response to employee performance deficiencies or misconduct. Depending on the nature of the infraction, one or more of the progressive discipline steps may be by- passed. Progressive discipline may include the following:

- (a) oral reprimand;
- (b) written reprimand;
- (c) suspension; or,
- (d) termination.

Discipline shall be administered on the principle of like penalty for like offense and the relationship of the penalty to the conduct/infraction. However, The Adjutant General may, at his discretion, administer discipline in a manner appropriate for circumstances surrounding the conduct/infraction and the needs of the Authority.

A record of any disciplinary action shall be kept in the employee’s personnel record.

8.2 Suspension – The Authority may suspend an employee without pay for cause for a period of time consistent with the severity of the infraction or misconduct. This can be accomplished in either hours or days. The employee shall be provided a written statement of the reasons for the suspension, the period of suspension and the appeal rights. When an allegation of misconduct has been made against an employee that is not yet substantiated, the Authority may place the employee on paid administrative leave pending the outcome of an investigation and/or criminal proceeding.

8.3 Demotion – The Authority may demote a regular employee for cause. The employee shall be provided a written statement of the reasons for the demotion, the effective date of the action and appeal rights.



SECTION 9 SEPARATIONS

- 9.1 Termination – All Authority employees are at-will. The Authority may terminate a covered employee at any time with or without cause. The employee will be provided a written statement of the effective date of the termination.
- 9.2 Resignation – An employee shall resign in writing. Any such notification of resignation, if accepted, shall be confirmed in writing. Once a resignation has been accepted, it may not be withdrawn, cancelled or amended without the consent of The Adjutant General or his designee. Employees are encouraged to provide a minimum of two weeks’ notice of resignation. A verbal resignation shall be considered job abandonment and basis for termination.
- 9.3 Layoff. The Authority may initiate a layoff due to lack of work, shortage of funds, abolition of jobs, material changes in the work or organizational structure or to permit reinstatement of employees released from periods of military service in the armed forces of the United States.
- (a) The program manager or equivalent level personnel shall develop a plan for the layoff describing:
- (1) the reason for the layoff;
 - (2) the organizational units affected by the layoff; and,
 - (3) a list of employees in each job title affected by the layoff in order of retention.
- (b) Order of Separation. In the event of a layoff, employees shall be separated in the following order:
- (1) temporary employees in the affected organizational unit;
 - (2) probationary employees by job title in the affected organizational unit;
 - (3) regular employees by job title in the affected organizational unit on the basis of tenure with the Authority.
- (c) Notice. The Authority shall provide written notice of a layoff at least 15 days in advance to each employee being separated giving the reasons, the effective date, and an explanation of recall rights.



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- (d) Recall. For a period of one year a regular employee separated as a result of a layoff shall be considered in the applicant pool for all jobs in the same or lower salary range for which the employee is qualified.

- 9.4 Budget Constraints – Due to budget constraints selected employees may be asked to work part-time.

- 9.5 Clearing Procedures for departing Authority employees. Note: See Appendix F for forms and instructions.



SECTION 10 GRIEVANCE PROCEDURE

10.1 Policy – The purpose of this policy is to establish a procedure to fairly and promptly resolve employee complaints on grievable issues. The Authority is committed to providing a systematic and fair review of employee complaints and grievances. The procedure is based on the premise that, for the benefit of long-term employee-supervisor relationships, grievances should be resolved at the lowest possible level. The Adjutant General is the final step in the WVMA grievance procedure.

10.2 General Provisions

- (a) **Applicability.** The West Virginia Military Authority grievance procedure shall apply to all regular full-time and part-time employees who are paid wholly or in part with federal funds and who otherwise meet the definition of covered employee in WV Code §15-1 J et seq. Probationary and temporary employees are not covered by this procedure.
- (b) **Definition of grievance.** Grievances may be filed over the following issues:
 - (1) terminations for cause;
 - (2) suspensions;
 - (3) involuntary transfer in excess of thirty (30) miles from the previous work location;
 - (4) demotions or salary decreases.
Except where noted in the above definition, job classification and salary issues shall not be the subject of any grievance filed under this procedure. Retirement and insurance matters are excluded from this procedure.
- (c) **Retaliation.** Employees shall not be disciplined or otherwise prejudiced for filing a grievance, acting as an employee representative or testifying at any step in this procedure. No person shall directly or indirectly use any official authority or influence in any manner to discourage the use of this procedure.



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- (d) Representatives. An employee may be represented by a person of his or her choice, including legal counsel, at any step in this procedure. The grievant shall bear any cost associated with representation by another person or legal counsel.
- (e) Forms. The Authority shall make available necessary grievance forms and other information to all employees.
- (f) Employees shall be given a reasonable time to prepare and process the grievance not to exceed four hours per grievance. Such preparation time shall not be permitted to materially affect the productivity of the employee's work unit or the Authority.
- (g) Grievant and his or her representative shall not be charged annual leave for participation in conferences under this procedure.
- (h) Confidentiality. Grievance proceedings at all levels shall remain confidential. Correspondence, documents, exhibits and decisions shall be confidential at all levels. The Authority shall maintain separate files for grievances related documentation apart from employee personnel files.
- (i) Extension of time limits. The time limits for any action or step in this procedure may be extended by mutual agreement of the employee and this agency. Note: See Appendix G.

10.3 Grievance Steps.

- (a) Step 1.

The Step 1 respondent for employee grievances may be the Senior Commander, Air Base Commander, Post Commander or Unit Supervisor or equivalent level personnel (hereinafter referred to as the designated individual.) The covered employee shall first attempt to resolve the issue in the grievance through an informal conference with the designated individual as noted above. The grievance must be submitted to the designated individual within ten (10) days from the date of the event or circumstances giving rise to the grievance or from the date on which grievant became aware of the event or circumstances. The grievance shall be presented to the designated individual in writing on a form prescribed by the Authority. The written grievance must contain all the facts and circumstances which form the basis for the grievance as well as the specific relief sought. The employee may be represented by another



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person of his or her choice at the conference. The Step 1 conference shall be held at the employee's work location or at a location convenient for all parties within five (5) working days from the receipt of the grievance. If the action or event which is the basis for the grievance was taken by the designated individual, then the Level 1 conference shall be held by the next level supervisor. Both the employee and the supervisor shall make good faith effort to resolve the issue at this level.

The designated individual who holds the Step 1 conference shall first make a determination as to whether the grievance issue(s) meets the definition of grievance provided in subsection 12.2(b). The designated individual shall issue a decision in writing within three (3) working days of the Step 1 conference.

(b) Step 2.

If the matter is not resolved to the employee's satisfaction at the Step 1 conference, then the employee may request that the grievance be heard by the next level supervisor in the official chain of command. Within five (5) working days of the Step 1 conference, the employee must submit the written grievance to the designated individual for a determination as to whether the issue involves a grievance as defined in subsection 10.2(b) of this procedure. If it determined that the issue is not a grievable, then the employee shall be notified of this determination in writing. This determination shall be the final decision on the matter.

If it is determined that the issue is grievable, then the designated individual shall conduct the Step 2 conference. The employee and the Authority shall be given full opportunity to present evidence on the merits of the grievance. Within five (5) working days of Step 2 conference, the supervisor shall issue a decision in writing.

After Step 2 decision has been rendered, the designated individual shall submit a copy of the grievance decision, investigation reports and any other related documents to the Director of Operations for review.

(c) Step 3.

If the employee disagrees with the Step 2 decision, then he or she may submit the grievance to the WVMA General Counsel within five (5) working days of the receipt of the Step 2 decision. The WVMA General Counsel may conduct an investigation or fact finding on the merits of the grievance. Within fifteen (15) working days of the receipt of the



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grievance, the WVMA General Counsel shall submit a recommended decision to The Adjutant General for consideration. The Adjutant General may accept, modify or reject the recommended decision. Such decision shall be final within the Authority.

If the employee disagrees with the final decision of The Adjutant General, then he or she may seek redress through the County Circuit Court as provided in the West Virginia Administrative Procedures Act.



SECTION 11 HOLIDAY AND LEAVE.

11.1 Policy – Regular attendance and punctuality are important to the pursuit of the agency operation. Employees are held accountable for the proper use of leave. This includes requesting leave as much in advance as possible, providing sufficient information for the reviewing manager/supervisor to balance the needs of the employee with the staffing needs of the agency, to prevent leave abuse and to comply with all legal requirements. Improper or unauthorized use of leave may result in denial of paid leave or corrective or disciplinary action. All leave requests, including vacations, must be coordinated through and approved by the reviewing manager/supervisor. Note: It is the intent of the Authority that this section be interpreted and applied in such a manner as to not diminish the holiday and leave benefits granted to employees of the Authority under the provisions of Section 14 of the West Virginia Division of Personnel in effect immediately preceding the establishment of the West Virginia Military Authority.

Leave Slip: See Appendix K.

11.2 Holidays

- (a) Employees shall be released from work with pay in observance of the following official holidays:
- (1) New Year's Day;
 - (2) Martin Luther King's Birthday;
 - (3) President's Day;
 - (4) Memorial Day;
 - (5) West Virginia Day;
 - (6) Independence Day;
 - (7) Labor Day;
 - (8) Columbus Day;
 - (9) Veteran's Day;
 - (10) Thanksgiving Day and the day after (Lincoln's Day);
 - (11) Christmas Day; and,

Any day on which a Primary, General or Special election is held throughout the State, 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.



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- (b) 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.
- (c) The Authority may modify holiday observances to accommodate around-the-clock shifts or other operational-related needs.
- (d) Authority employees shall receive no more than eight (8) hours holiday pay for each approved holiday.
- (e) To receive pay for a holiday an employee must work or be on paid leave for all or any part of the scheduled workday before or after the holiday. An employee is not eligible to be paid for any holiday that occurs prior to his or her first day of work or after his or her last day of work.
- (f) The Authority will make reasonable accommodation to an employee’s religious holidays as required by law.

11.3 Annual Leave

- (a) Accrual – Eligible employees accrue annual leave with pay and benefits. Annual leave for part-time employees shall be accrued in proportion to hours worked. Temporary employees shall not accrue annual leave. Accrual rates are based on years of service as provided below:

Years of Service	Accrual Rate in Pay Period (Equal to)		Carry Forward Rate (Hours Equal to)
	Hours/Minutes	in Decimal	
Less than 5 years	4.37	4.62	240
5 years but less than 10	5.33	5.55	240
10 years but less than 15	6.28	6.47	280
15 or more years	7.24	7.40	320



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For Military Firefighter Personnel

Years of Service	Accrual Rate (Hours Equal to)	Carry Forward Rate (Hours Equal to)
Less than 5 years	6.12	280
5 years but less than 10	7.34	320
10 years but less than 15	8.56	360
15 or more years	9.88	400

- (b) Service to Qualify – Qualifying service for each accrual category is based on State Employment. No service credit for periods in which an employee is not paid a wage or salary unless otherwise provided by federal or state statute.
- (c) Use of Leave – Annual leave shall be used at times that will not adversely affect the Authority’s efficient operation. The Authority will comply with the requirements of the Parental Leave Act and the Family Medical Leave Act in the use of annual leave in advance.
- (d) Minimum Charge – The minimum charge against annual leave shall be one quarter (1/4) hour.
- (e) Separation from Employment/Terminal Annual Leave – The Authority shall pay an employee who separates from employment by layoff, resignation, retirement or death for all accrued and unused annual leave according to one of the following methods:
 - (1) An employee may elect to be paid in bi-weekly installments at his or her 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 hourly rate for the half-month in which the last day on payroll occurs.
 - (2) Any eligible employee as defined in WV Code §5-5-1, who is separated from employment by resignation, layoff, retirement or death may be paid in a lump sum, at his or her option for accrued



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annual leave. Lump sum terminal annual leave 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 the employee's next regular pay day had his or her employment continued.

- (3) An employee who is separated by termination shall be paid in lump sum for any accrued leave in accordance with the West Virginia Wage Payment Collections Act.
 - (4) An employee who retires may elect not to receive payment for any or all terminal annual leave and may apply the balance toward extended insurance coverage under guidelines established by the Public Employees Insurance Agency or to acquire additional credited service in the appropriate state retirement system.
 - (5) No deductions may be made for contributions toward retirement from the payment of terminal annual leave. Annual and sick leave do not accrue during the payment of terminal annual leave.
- (f) **Transfer of Leave** – When an employee of the Authority transfers to a state agency, the transfer of accumulated annual leave shall be made in accordance with the applicable policies of the receiving agency. A state employee who transfers to the Authority may transfer any accumulated annual leave with the concurrence of the Authority. If the Authority does not concur, the agency from which the employee is transferring shall pay for the accumulated annual leave.
- (g) **When Sick Leave is exhausted** – Annual leave, if requested, shall be granted in circumstances when sick leave or sick leave allowance for an employee's immediate family is exhausted. The provisions of subsection 11.4(f) regarding the necessity for a physician's statement apply when annual leave is used under these circumstances.

11.4 Sick Leave

- (a) **Accrual** – Covered employees accrue sick leave with pay and benefits. Sick leave for part-time employees shall be accrued in proportion to hours worked. Temporary employees shall not accrue sick leave. Sick leave is accrued at the end of each pay period or on the last workday for separating employees. There is unlimited accumulation and no maximum carryover limits of sick leave.



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Years of Service	Accrual Rate (Hours/Minutes Equal to)	Carry Forward Rate (Hours Equal to)
All	5.33	No Maximum

For Military Firefighter Personnel

Accrual Rate (Hours Equal to Daily Rate applied when employee does not work a full week schedule excluding paid leave)	0.06923
Pay Period (works 106 hours minimum)	7.34

- (b) Minimum Charge – The minimum charge against sick leave is one quarter (1/4 hour.)
- (c) Maximum Charge – The maximum charge against sick leave is one work year per substantially continuous absence. The Authority has the discretion to grant additional accrued sick leave if the employee’s disability, as verified by a physician, is not of such a nature as to render the employee permanently unable to perform the essential duties of the position.
- (d) Separation from Employment
 - (1) Retirement – An employee eligible to retire at the time of separation from employment may use unused sick leave to purchase extended coverage upon retirement under guidelines established by the Public Employees Insurance Agency or upon retirement to acquire additional credited service in the state retirement program under guidelines established by the Consolidated Pubic Retirement Board.
 - (2) All other Separations – All accumulated sick leave shall be cancelled as of the date of separation. If an employee returns to eligible employment within twelve (12) months, all cancelled sick leave shall be restored; an employee returning after more than twelve (12) months shall have no more than thirty (30) days of sick leave restored. Employees recalled from a layoff shall have all cancelled leave restored.
- (e) Granting – The Authority shall grant sick leave for the following reasons:



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- (1) In the event of illness or injury to employee which incapacitates him or her from performing the duties of the position.
 - (2) Up to three (3) days sick shall be granted for the death of an immediate family member of the employee;
 - (3) In case of exposure to a contagious disease when a physician states in writing that the employee's presence on duty may jeopardize the health of others;
 - (4) An incapacity due to pregnancy shall be charged sick leave in the same manner as with any other illness;
 - (5) Routine dental and medical appointments shall be charged sick leaving including reasonable travel time not to exceed a total of three (3) hours per occurrence;
 - (6) Illness and routine dental and medical appointments for immediate family members not to exceed eighty (80) hours per calendar year to provide care to an immediate family member, as defined in this rule, who is incapacitated due to illness or injury or to accompany an immediate family member to routine healthcare appointments; provided such time is prorated for part-time employees. Reasonable travel time in addition to the time for the routine appointment may also be charged as sick leave. (Note: family sick leave used is deducted from the employee's accrues sick leave balance); and,
 - (7) For work related injury or illness an employee may elect to use sick leave; however, an employee who elects not to use sick leave must apply for medical leave of absence without pay as provided under subsection 11.8(c) of these policies and procedures
- (f) Physician's Statement
- (1) Within two (2) days of return to work, an employee shall furnish a prescribed statement from the attending physician/practitioner for all consecutive sick leave granted beyond three (3) working days. If the physician/practitioner has placed restrictions on the employee's work activities, then the employee must furnish the statement immediately upon return to work. The statement must specify that the employee was unable to work and the period of



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incapacity or that the employee's absence was due to illness or injury of an immediate family member.

- (2) In the absence of a physician's statement, the entire absence shall be charged to unauthorized leave in accordance with subsection 11.7 and the employee's pay shall be docked the following pay period for the entire period of absence. The employee shall be notified in writing that his or her pay is being docked.
 - (3) For extended periods of sick leave, a physician/practitioner statement confirming the need for extended leave must be submitted within thirty (30) days of the start of the sick leave and must indicate a date the physician will release the employee to return to work or a date for additional medical evaluation. Failure to produce the required physician's statement is grounds to terminate further sick leave benefits and the Authority shall place the employee on unauthorized leave and notify the employee of such action. The Authority shall allow the employee fifteen (15) days to submit the required physician's statement. Failure to submit the physician's statement except for satisfactory reasons is grounds for dismissal.
- (g) Return to Less than Full Duty – The Authority may permit an employee to return to work at less than full duty but the terms of the return shall be in writing and may include the requirement of additional information from the attending physician/practitioner on the employee's ability to perform the essential duties of the position. The Authority may deny a return to work at less than full duty under the following conditions:
- (1) the employee cannot perform the essential duties of the position;
 - (2) the nature of the duties may aggravate the employee's medical condition; and,
 - (3) approval of the request would seriously impair the conduct of the Authority's business.
 - (4) Approval of return to work at less than full duty shall not exceed 90 days provided that extensions may be granted by the Authority under the same conditions. Note: See Appendix H.



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- (h) Transfer of Sick Leave – When an employee transfers from the Authority to another state agency, all hours of accrued sick leave shall be transferred to the other agency within thirty (30) calendar days.
 - (i) While on Annual Leave – An employee who becomes ill and is admitted to a hospital or emergency room while on previously approved annual leave may request that all or part of the time spent in the hospital or emergency room be charged to sick leave. The employee must 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 in the hospital or emergency room.
- 11.5 Suspected Leave Abuse – When an employee's leave use becomes so frequent as to render his or her services undependable, the Authority may require appropriate substantiation of the employee's claim for leave. In extreme instances the Authority may use progressive discipline to address suspected leave abuse up to and including dismissal.
- 11.6 Unauthorized Leave – When an employee is absent from work without authorization for sick or annual leave, the Authority shall dock the employee's pay in the next pay period for an amount equal to period of absence. Written notice shall be provided to employee indicating the action taken and that unauthorized leave is misconduct for which discipline is being imposed.
- 11.7 Leave of Absence Without Pay
- (a) Personal Leave – The Authority has the discretion to grant a regular or probationary employee a leave of absence without pay for a period not to exceed one year. Both the request for leave and the approval shall be in writing. The Authority may grant a request for personal leave for a period greater than one year based on Authority staffing needs.
 - (b) Family Leave – The Authority shall comply with the provisions of WV Code §21-5D-1 et seq., the Parental Leave Act and 10 USC §2601-2654, the Family Medical Leave Act of 1993.
 - (c) Medical Leave
 - (1) Upon written application, the Authority shall grant a covered employee a medical leave without pay not to exceed six (6) months within a twelve (12) month period provided:



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- (a) The employee 1) has exhausted all sick leave and makes application no later than fifteen (15) calendar days following the expiration of all sick leave or 2) has elected not to use sick leave for a personal injury received in the course of an resulting from covered employment with the Authority in accordance with WV Code §23-4-1 and makes application no later than fifteen (15) days following the date on which the employee filed a claim for Workers' Compensation;
 - (b) The employee's absence is due to an illness or injury which is verified by a physician/practitioner 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 reevaluated;
 - (c) A physician's statement is submitted each time the employee's condition is reevaluated to confirm the necessity for continued leave; and,
 - (d) The disability is not of such a nature as to render the employee permanently unable to perform his or her duties.
- (2) No later than five (5) days following the employee's sick leave the Authority shall 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 the request is not filed within the limits specified in subsection 11.7(c) (1) (a) of these Policies and Procedures.
- (d) End of Leave
- (1) At the expiration of the 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.
 - (2) If the leave of absence without pay was granted due to personal illness, the employee must furnish from the attending



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physician/practitioner a statement indicating the ability of the employee to return to work. The Authority may permit an employee return to work at or before the expiration of the leave of absence at less than full duty under the conditions specified in subsection 11.5(d).

- (3) Failure of the employee to report promptly at the expiration of a leave of absence without pay is cause for dismissal.

11.8 The Family Medical Leave Act (FMLA*)/Parental Leave Act (PLA.) Note: The following section is intended to be used as a reference guide to federal Family and Medical Leave and the West Virginia Parental Leave Acts. The general information it contains should not be construed to supersede any law, rule, or policy. In the case of any inconsistencies, the statutory and regulatory provisions shall prevail. This version of the guide supersedes all previous versions. This section is written with the understanding that the West Virginia Military Authority is not engaged in rendering legal services. If legal advice or assistance is required, the services of an attorney should be sought. Supervisors should also refer to policies, rules and regulations as well as consult with the human resources office within his or her respective agency. When Authority employees or supervisors have issues or questions relate to FMLA or PLA, it is recommended that Human Resources be contacted.

*FMLA is a federal law which entitles eligible employees to unpaid, job-protected leave for family, medical reasons and leave for military families.

- (a) Eligibility. An employee requesting FMLA leave must have been employed by the Authority for a total of at least twelve (12) months at the time of the leave of absence and must have worked at least 1250 hours in the 12-month period preceding the leave.
- (b) Coverage. The maximum leave permitted during a 12-month period is 12 weeks (480) hours for eligible employees under general leave conditions. The maximum leave permitted during a 12-month period is 26 weeks (1040) hours for eligible employees under covered service member caregiver leave or general and covered service member caregiver leave combined.
- (c) Types of Leave. Job protected unpaid family and medical leave will be granted to eligible employees for any one or more of the following reasons



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- (1) General Leave for Birth of an employee's son or daughter; adoption of a child by the employee, or official placement of a child with the employee for foster care; in order to care for the spouse, son, daughter, or parent having serious health condition or the employee's own serious health condition;
 - (2) Covered Service Member Exigency Leave for a qualifying exigency arising while the employee's spouse, son, daughter or parent is a covered service member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Qualifying exigency activities include, but are not limited to issues arising from a covered members short notice deployment, military ceremonies, program events and related activities, certain childcare and related activities arising from the active duty or call to active duty, making financial arrangements, attending counseling related to the active duty or call to active duty status, to spend time with a covered service member on short-term leave during deployment, attending certain post-deployment activities or any other event that the exigency leave may be taken for an adult son or daughter, including the employee's biological, adopted or foster child, stepchild or legal ward.
 - (3) Covered Service Member Caregiver Leave for an eligible employee who is the spouse, son, daughter, parent or nearest blood relative of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty and is actively receiving medical treatment, is entitled to up to 26 weeks (1040 hours of leave in a 12-month period to care for the service member. The Authority will require certification from the military that the service member is recovering from a serious illness or injury sustained in the line of duty on active duty and is actively receiving medical treatment.
- (d) Notice. The employee must provide a thirty (30) day notice if the requested leave is foreseeable and as much notice as is practicable for unforeseeable circumstances.
- (e) Use of Other Accrued Paid Leave. The employee must exhaust any accrued annual and sick leave before using unpaid FMLA leave when applicable. When the employee has used all appropriate paid leave for a portion of FMLA leave, the employee may request unpaid leave to be granted so that the total period of leave (paid and unpaid) equals 12 weeks



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(480 hours) or 26 weeks (1040 hours) depending on the reason for the leave. All paid and unpaid leave taken for a FMLA qualifying event shall be applied toward the employee's FMLA leave entitlement.

- (f) **Intermittent Leave Use.** An employee may take FMLA leave on an intermittent basis or work a reduced schedule if medically necessary for his/her own serious health condition, the serious health condition of an immediate family member or for a covered service member leave or qualifying exigency. Intermittent leave under FMLA is not available for birth, adoption or foster care. The employee shall make all reasonable efforts to schedule intermittent leave use so as not to unduly disrupt the tasks and operations of the work unit or the Authority.
- (g) **Continuation of Benefits.** An employee granted FMLA leave will continue to be covered under the group health insurance plan and retirement plan under the same conditions as coverage would have been provided if he/she had been continuously working during the leave period. Therefore, the employee will remain responsible for their share of monthly premiums and/or contributions. If the employee does not return to work after FMLA leave for reasons other than their medical condition, then the Authority may require the employee to reimburse for the employer's share of benefits paid during the period of FMLA leave.
- (h) **Employee Rights.** Upon return to work, an employee shall be returned to the position they held prior to the FMLA leave or to a substantially equivalent position with substantially equivalent pay, benefits and other conditions of employment; provided, if the employee's position would have been eliminated or the employee would have been terminated but for the FMLA leave, then the employee would not have reinstatement rights from FMLA leave. Use of FMLA leave shall not be used as a basis for disciplinary action regarding attendance.
- (i) **Medical Certification.** The Authority may require certification of the employee's or family member's serious health condition by a licensed health care practitioner as it deems appropriate for the circumstances.
- (j) **Other Certifications.** When leave is taken due to a qualifying exigency, the employee must provide a copy of covered service member's active duty orders or other documentation of the call to active duty in support of a contingency operation.
- (k) **Return to Work.** When the FMLA leave is taken due to the employee's own serious health condition, the employee must submit a Fitness for Duty



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medical release from a licensed health care provider releasing the employee to return to work and to perform the duties of the position.

11.9 Military Leave

- (a) **State Active Duty and Reserve Military Service.** In accordance with the provisions of WV Code §15-1F-1(a), all officers and employees of the State who are members of the National Guard or of any of the reserve components of the armed services 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, funeral honors duty for the State or federal government, active duty for training or active service for the State all to include reasonable travel time to and from the duty location, for a maximum period of thirty (30) working days, not to exceed 240 hours in any one calendar year 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. 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. The terms of this subdivision 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 must provide (1) prior to beginning this military duty and (2) in order to receive compensation under subpart (a) and/or (b.) None of the unused days of military leave for which an officer or employee is eligible under this subdivision 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 in this subdivision 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; provided, an officer or employee in any pay status on the first working day of the calendar year shall be immediately eligible for thirty working days of military leave for the new calendar year
- (b) **Federal Active Duty.** In accordance with the provisions of WV Code §15-1F- 1(b), all officers and employees of the State 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



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to exceed 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 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 subdivision (a) of this subsection are eligible to use those unused days in the same calendar year prior to using the thirty (30) days for which they are eligible under this subdivision, up to a maximum of (60) days for a single call to active duty. None of the unused days for which an officer or employee is eligible under subdivision (a) 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 in subdivision (a) of this subsection 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.

- (c) Other than as provided in subdivision (b) of this subsection, any employee hired for permanent employment entering the US armed services in time of war, national emergency or under compulsory provisions or law of the US in time of peace shall be granted a leave of absence from his or her service with the agency. Upon completion of and discharged 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, in accordance with subdivision 11.9 of these policies and procedures. An employee shall be credited with all annual leave and sick leave not used at the commencement of his or her military leave in accordance with subdivision 11.9 of these policies and procedures. This subdivision shall not be construed:
- (1) As an attempt to enlarge or to extend the length of employment of any temporary or to create a definite term where no definite term with respect to the position previously existed;
 - (2) As providing that the salary paid by the agency shall continue to be paid to the employee while he or she is not performing the duties



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of his or her position with the state because of the services with the armed forces of the United States; or,

(3) As having precedence over the provisions of any applicable federal statute, rule or regulation regarding military leave or reemployment rights with which this subdivision is inconsistent or in conflict including, but not limited to, the Uniformed Services Employment and Reemployment Rights Act.

(d) Military Firefighter personnel should use one hour of leave per one hour of work they are scheduled.

11.10 Court, Jury and Hearing Leave

(a) Upon application in writing, a covered employee shall be granted leave with 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. This subsection shall not apply where the employee is a litigant, defendant or other principal party or has a personal or familial interest in the case or proceeding. This subsection shall not prohibit an employee from using annual leave or leave without pay for use in their pursuit of personal or civic responsibilities while on annual leave or personal leave of absence without pay.

(b) The employee shall furnish written confirmation of jury duty or other court directive as the Authority may require.

11.11 Administrative Leave – Upon approval of The Adjutant General or his designee, the Authority may grant administrative leave with pay:

(a) to participate in or attend activities which are directly or indirectly related to the operation of the Authority but which do not require attendance or participation as an Authority employee;

(b) to relieve employees of duty during an investigation of suspected criminal violation or alleged wrongdoing; or,

(c) when severe weather or other natural disaster or a declared emergency prevent the opening of or cause the closing of an Authority facility or office.



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11.12 Donated Leave Policy. Note: See Appendix I for Guidelines and forms.



SECTION 12 VEHICLE USE.

- 12.1 Employees of the Authority are only permitted to drive GSA and State vehicles for official use only. Whether a particular use is “official” is a matter of administrative discretion. All factors must be considered including whether the use is essential to the successful completion of a federal function, activity, or operation, as well as consistent with the purpose for which the motor vehicle was acquired.
- 12.2 When questions arise about the official use of a motor vehicle, the questions shall be resolved in favor of strict compliance with statutory and regulatory provisions.
- 12.3 All Authority employees must sign and return the vehicle and fuel card forms to Human Resources Department. See Appendices L and M.



SECTION 13 ALCOHOL AND DRUG FREE WORKPLACE

- 13.1 The West Virginia Military Authority (“Authority”) is committed to providing a work environment that is safe, productive and secure by eliminating the presence and/or use of alcohol, illegal drugs and controlled substances in the workplace; and also the presence of such drug or alcohol in the body system without medical authorization. Therefore, employees are prohibited from:
- (a) Possessing, consuming, purchasing/selling, or manufacturing alcoholic beverages, illegal drugs or controlled substances while they are conducting Authority business or on Authority property;
 - (b) Reporting to work for the Authority under the influence of an alcoholic beverage, illegal drugs or controlled substance;
 - (c) The unauthorized use or abuse of prescription medication while they are conducting Authority business or on Authority property; and,
 - (d) Driving a state vehicle or a personal vehicle when the employee is engaged in Authority business within an eight (8) hour period after consuming an alcoholic beverage, using a controlled substance, or engaging in the unauthorized use/abuse of a prescription medication.
- 13.2 All WVMA employees are subject to random drug and alcohol screenings and are also subject to drug and alcohol screenings based on reasonable suspicion of such use or possession. Reasonable suspicion may involve “local, county, state or federal law enforcement investigation or a directive from a supervisor requiring the employee to take a drug or alcohol screen from an authorized agency collection site.” Refusal to test or avoidance of a drug or alcohol test after becoming aware of such, is grounds for immediate dismissal.
- 13.3 Any employee found violating this policy and/or convicted of violating any criminal drug statute while in the workplace will be subject to disciplinary action up to and including termination and/or civilian or military prosecution.
- 13.4 This policy is applicable to employees and contractors engaged in work/service-related activity which includes the performance of Authority business. Such activity also includes representing the Authority, receiving awards or speaking as an Authority representative.
- 13.5 As a condition of employment all employees will:
- (a) Abide by the terms of this policy statement;



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- (b) his or her supervisor of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after such conviction; and
 - (c) Sign the Employee Drug Awareness Certification Form.
- 13.6 Workplace means all facilities, property, buildings, offices, structures, vehicles or equipment, whether owned or leased by the Authority.
- 13.7 Controlled substances means any drug listed in 21 U.S.C. 812 and West Virginia Code §60A-2-201 et seq. Illegal drug means any drug which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed. Illegal drugs include those controlled substances under federal or State law which are not authorized for sale, possession, or use, and legal drugs which are obtained or distributed illegally.
- 13.8 An employee is required to report within five (5) days any criminal drug statute arrest(s) or conviction to his or her immediate supervisor. Failure to provide this information may result in discipline up to and including termination. The supervisor shall immediately report such conviction to Adjutant General. If the employee's work unit is a grantee of federal funds, the Authority shall notify the federal granting agency within ten (10) days after receiving notice of that employee's drug conviction.
- 13.9 The Authority shall include a copy of this policy in the orientation of new employees and maintain a signed "Employee Statement of Understanding" form in each employee's personnel files.
- 13.10 The Authority shall promptly deal with any possession, consumption, and/or distribution of alcohol, illegal drugs or controlled substances in the workplace in accordance with legal requirements and established disciplinary procedures.



SECTION 14 WORKPLACE SECURITY POLICY

14.1 Policy - It is the policy of the West Virginia Military Authority ("Authority") to take reasonable measures to ensure the health and safety of Authority employees and the general public. The Authority is committed to a violence-free workplace and its goal is to prevent violence in the workplace. The Authority recognizes that violence in the workplace can seriously affect employee performance and morale and is detrimental to mission preparedness and operations. Therefore, the Authority will not tolerate any type of workplace violence committed by or against employees.

14.2 Definitions

- (a) Dangerous/deadly weapon means any instrument which is designed to be used to inflict serious bodily injury or death or is readily adaptable to such use. Such instruments include, but not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade over three and one-half in length.
- (b) Threatening behavior means conduct assessed, judged, observed or perceived by a reasonable person to be outrageous and extreme as to cause severe emotional distress or cause, or is likely to result in, bodily harm.
- (c) Workplace means all facilities, property, buildings, offices, structures, vehicles or equipment, or parking areas, whether owned or leased by the Authority.

14.3 Prohibited Conduct – the following conduct or behavior is prohibited in the workplace.

- (a) Causing physical injury to another person;
- (b) Making threatening remarks;
- (c) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- (d) Intentionally damaging Authority property or property of another employee;
- (e) Possession of a weapon while on Authority property or while conducting Authority business, unless specifically authorized by a valid license to carry a concealed firearm under West Virginia law, in which case the authorized individual may lawfully possess a privately owned firearm within their privately owned vehicle, provided the privately owned firearm is unloaded, stored and concealed in a case out of plain view, within a locked vehicle.



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14.4 Procedures

- (a) Any employee who is a victim of violence on Authority property should contact his or her supervisor immediately. Any employee who knows or suspects that an unauthorized person, such as a fellow employee, visitor, vendor, or applicant for employment, possesses a firearm or other dangerous/deadly weapon, or that any person is engaged in threatening behavior or language while on Authority property, should notify his or her supervisor immediately and, if necessary, Military Security Police or other local law enforcement officials. A threat is defined as any statement that indicates intent to do bodily harm. If a threat is made where an individual is in a posture to injure oneself or others (i.e. has a weapon or other harmful device, incites an altercation, exhibits violent behavior) the employee should immediately contact Military Security Police or dial 911 to notify local Law enforcement officials.
- (b) **Workplace Searches:** As a public employer, the Authority may open and inspect public properties for a work-related purpose. The Authority has the right and the obligation to inspect any and all locations and items, public and personal, contained within n Authority building or property, in the event of a threat or based upon reasonable suspicion that a dangerous or illegal item or weapon may be present which could present a hazard to the employee, the public, the building or property

14.5 Domestic Violence - It is the intent of the Authority to create a workplace free of all types of violence including domestic violence. The Authority will take all reasonable measures to increase the workplace safety of victims of domestic violence. The Authority acknowledges that employees who are victims of domestic violence should have the same rights, opportunities and benefits as all other employees. This includes keeping all requests for assistance confidential, making information available to other employees only on a "need-to-know" basis. Authority employees are encouraged to share protective orders or other non-contact orders with their immediate supervisor or manager.

14.6 Enforcement - Any employee who violates this policy will be subjected to disciplinary action up to and including termination. Any manager or supervisor who fails to properly act upon employee complaints or on personal knowledge of conduct in violation of this policy shall be subject to disciplinary action up to and including termination. Non-employees engaged in threatening behavior or violent acts on Authority property will be reported to Military Security Police or local law enforcement officials and fully prosecuted.



SECTION 15 WORKPLACE HARASSMENT POLICY

- 15.1 The purpose of this policy is to prescribe 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 nondiscriminatory hostile workplace harassment does not occur. Employees have the right to be free from harassment while in a State government workplace, and the State has the legal obligation to ensure that such harassment does not occur and that effective means of redress are available. This policy shall cover all independent contractors, volunteers, and employees of the West Virginia Military Authority, including executive, administrative, classified, non-classified, exempt, and temporary employees affiliated with the West Virginia Military Authority.
- 15.2 Definitions
- (a) **Appointing Authority:** The Adjutant General or the designee of such, who is authorized to appoint employees in the classified or classified-exempt service.
 - (b) **Discriminatory Hostile Work Environment Harassment:** 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.
 - (c) **Employee:** Any person who lawfully occupies a permanent or temporary position with the State, or any affiliated political subdivision, and who is paid a wage or salary including, but not limited to, executive, administrative, classified, non-classified, exempt, seasonal and temporary employees. For the purpose of this document, “employee” shall also include authorized students and interns performing services for an employer under direct supervision irrespective of receipt of wages.
 - (d) **Employer:** The West Virginia Military Authority or any affiliated subdivision including, but not limited to, executive, administrative, classified, non-classified, or exempt.
 - (e) **Equal Employment Opportunity (EEO) Coordinator/Counselor:** The agency employee selected by an appointing authority to advise employees



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and management concerning proper EEO procedures and to function as a liaison with the State EEO Office.

- (f) **Hostile Work Environment Sexual Harassment:** A type of illegal sexual harassment based on gender that is sufficiently severe and pervasive as to alter the conditions of the employee's employment and create a hostile and abusive working environment.
- (g) **Independent Contractor:** Any entity or person responsible for the performance of work under a contract.
- (h) **Nondiscriminatory Hostile Workplace Harassment:** A form of harassment commonly referred to as "bullying" that involves verbal, non-verbal or physical conduct that is not discriminatory in nature but is so atrocious, intolerable, extreme and outrageous in nature that it exceeds the bounds of decency and creates fear, intimidates, ostracizes, psychologically or physically threatens, embarrasses, ridicules, or in some other way unreasonably over burdens or precludes an employee from reasonably performing her or his work.
- (i) **Quid Pro Quo Sexual Harassment:** Meaning "this for that" or "something for something," a type of illegal sexual harassment in which the satisfaction of a sexual demand is used as the basis of a tangible employment action.
- (j) **Retaliation:** Adverse action pertaining to any aspect of employment (hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment) taken against an individual for participating in a complaint and/or investigation process. For the purpose of this policy, retaliation shall also include actions taken against such an individual by the accused or other employees.
- (k) **Sexual Harassment:** A type of illegal harassment which involves any unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal, written, or physical conduct of a sexual nature when:
 - (1) Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
 - (2) Submission to or rejection of such conduct is used as the basis for personnel actions affecting an employee; or,



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- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.
 - (l) State EEO Office: The State agency authorized by Executive Order to direct all aspects of the statewide EEO program to prevent unlawful employment discrimination and to promote diversity in West Virginia State government.
 - (m) Third-party Harassment: Hostile Environment or Quid Pro Quo Harassment in which:
 - (1) An employee is harassed by a non-employee such as a client or vendor;
 - (2) An employee harasses a non-employee with whom the agency has a business relationship; or,
 - (3) An employee believes that a hostile environment exists due to a sexual relationship involving two other employees.
 - (n) Volunteer: Any authorized individual directly engaged in the performance of services for a State employer without promise, expectation, or receipt of compensation.
 - (o) Workplace: A worksite where service or work is performed in connection with an independent contractors, volunteers, or employees public employment or service, including sites of social functions and conferences. The workplace includes, but is not limited to, facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas provided by the State, even if not owned, leased, or operated by the State.
 - (p) Work-/service-related Activity: Includes, but is not limited to, conducting work/service, representing the State or the agency, receiving awards, speaking as a State or agency representative, and participating in receptions when invited as a result of State employment/service.
- 15.3 Illegal harassment is prohibited by the West Virginia Human Rights Act and Title VII of the Civil Rights Act of 1964 where such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.



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- 15.4 Although some harassment may not violate existing discrimination laws, such behavior can result in a tort claim for intentional infliction of emotional distress. As such, all forms of harassment are prohibited.
- (a) This policy extends to employees while engaged in any work-/service-related activity which includes the performance of agency business.
 - (b) Further, this prohibition applies to independent contractors and volunteers while engaged in any work-/service-related activity in a workplace owned, leased, or operated by a public agency or entity.
- Any employee found to be in violation of this policy will be subject to disciplinary action up to and including dismissal.
- 15.5 Management is potentially liable for acts of harassment in the workplace whether or not the source or target of harassment is another employee or a non-employee.
- (a) Liability for such acts can be imputed on the employer, unless the employer demonstrates that immediate and appropriate corrective action was taken upon notice of the improper conduct.
 - (b) Employees may also be held personally liable for harassment.
 - (c) Employees who experience third-party harassment shall also have standing to file claims for discrimination or harassment where employment opportunities or benefits are granted or a hostile environment is created because of an individual's submission to the employer's sexual advances or requests for sexual favors.
- 15.6 Illegal harassment prohibited by State and federal anti-discrimination laws which includes words, conduct, or action, usually repeated or persistent, directed at a specific person that annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose.
- 15.7 There are two legally recognized types of sexual harassment claims: (1) Quid Pro Quo Sexual Harassment, and (2) Hostile Work Environment Sexual Harassment. Such harassment involves verbal and/or physical conduct which may include, but is not limited to:
- (a) Sexually explicit or implicit propositions;
 - (b) Improper questions about an employee's private life;



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- (c) Sexually discriminatory ridicule, insults, jokes, or drawings;
- (d) Undesired, intentional touching such as embracing, patting, or pinching;
- (e) Remarks directed against one's sex as a class or group;
- (f) Threatened, attempted, or actual sexual assault or rape;
- (g) Repeated sexually explicit or implicit comments or obscene and suggestive remarks that are unwelcome or discomfiting to the employee;
- (h) Offers of tangible employment benefits in exchange for sexual favors, or threats or reprisals for negative responses to sexual advances; and/or,
- (i) Sexual harassment by a supervisor of an employee of the same sex.

15.8 Although the scope of The Civil Rights Act of 1964 does not extend to protect employees that are not members of a protected class from unlawful employment discrimination, an employee can still impute liability upon an employer for the infliction of emotional distress if the employer fails to take sabotage of performance which may include, but is not limited to:

- (a) Singling out and isolating, ignoring, ostracizing, etc.;
- (b) Persistently demeaning, patronizing, belittling, and ridiculing; and/or,
- (c) Threatening, shouting at, and humiliating particularly in front of others.

15.9 It is important to note that Nondiscriminatory Hostile Workplace Harassment claims are not within the jurisdiction of the State EEO Office.

- (a) Employees must address such complaints through their manager/supervisor, the West Virginia Public Employees Grievance Procedure, or litigation.
- (b) Complaints regarding illegal harassment shall be handled in accordance with established EEO procedures.
- (c) All information shall be held in strictest confidence and shall be disclosed only to appropriate individuals on a need-to-know basis to investigate and resolve the matter.



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15.10 While an individual alleging illegal harassment has a duty to promptly report the incident or complaint to the agency's EEO Coordinator/Counselor or his or her immediate supervisor, the individual also has the right to file such complaints with the West Virginia Human Rights Commission and/or the United States Equal Employment Opportunity Commission (EEOC).

15.11 Responsibilities

(a) Employees have the responsibility to:

- (1) Refrain from all forms of harassment.
- (2) Promptly report allegations or observations of harassment to the appropriate individuals (i.e., supervisor, manager, EEO Coordinator/Counselor, or human resources).
- (3) Fully cooperate in and not interfere with any employer-authorized investigation.
- (4) Not retaliate against those who participate in the complaint and/or investigation process.
- (5) Participate in required training.
- (6) Acknowledge understanding of and compliance with this policy by signing the Prohibited Workplace Harassment Acknowledgment Form.

(b) Appointing authorities have the responsibility to:

- (1) Monitor the work environment to ensure that it is free of harassment.
- (2) Promptly investigate complaints of harassment.
- (3) Enforce this policy and take immediate and appropriate action to address violations.
- (4) Ensure that complainants, falsely accused individuals, and/or persons interviewed regarding complaints suffer no adverse impact in their employment or retaliation.
- (5) Ensure that confidentiality is maintained by keeping all information regarding a complaint of harassment in a separate,



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confidential file with access restricted to appropriate individuals on a need-to-know basis.

- (6) Ensure that all employees receive appropriate training and that supervisory personnel complete Military Authority training on the Prohibited Workplace Harassment policy.
- (7) Ensure that all required reports are provided to the State EEO Office.
- (8) Post the Prohibited Workplace Harassment Poster at conspicuous locations throughout the agency.
- (9) Communicate this policy to all employees through inclusion in the orientation process of all new employees, and by making it readily available at all work locations.
- (10) Maintain the signed Prohibited Workplace Harassment Acknowledgment Form in each employee's agency personnel file.

15.12 REFERENCES

(a) Federal

- (1) U.S. Const., amend. XIV. Executive Order 11246 of 1965, as amended. 8 USC 1324 et seq., (Immigration Reform and Control Act of 1986).
- (2) 29 USC 206(d) et seq., (Equal Pay Act of 1963, as amended).
- (3) 29 USC 621, et seq., (Age Discrimination in Employment Act of 1967, as amended).
- (4) 29 USC 701 et seq., (Rehabilitation Act of 1973).
- (5) 29 USC 791 et seq., (Rehabilitation Act of 1992).
- (6) 29 USC 2601 et seq., (Family and Medical Leave Act of 1993).
- (7) 38 USC 4301 et seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- (8) 42 USC 1981 et seq., (Civil Rights Act of 1991).
- (9) 42 USC 12101 et seq., (Americans with Disabilities Act of 1990).
- (10) 42 USCA 12101 et seq., (Americans with Disabilities Act Amendments Act of 2008).
- (11) 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- (12) 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- (13) 42 USC 2000e et seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- (14) 42 USC 2000ff et seq., (Genetic Information Nondiscrimination Act of 2008).
- (15) 29 CFR 1600-1699 (EEOC Uniform Guidelines).

(b) State

- (1) West Virginia Code § 5-11-1 et seq., West Virginia Human Rights Act.



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- (2) West Virginia Code § 5-15-1 et seq., White Cane Law.
- (3) West Virginia Code § 21-3-19, Discrimination for use of tobacco products prohibited.
- (4) West Virginia Code § 21-5-17, Employers prohibited from discharging employees for time lost as volunteer firemen or emergency medical service attendant.
- (5) West Virginia Code § 21-5-18, Employers prohibited from discharging employees for time lost as emergency medical service personnel.
- (6) West Virginia Code § 21-5E-1 et seq., Equal Pay for Equal Work for State Employees.



SECTION 16 PROHIBITING THE USE OF NONCONSENSUAL RECORDING DEVICES IN THE WORK ENVIRONMENT

16.1 Applicability

- (a) This policy applies to all military and civilian personnel working at all WVNG facilities, armories, training areas and any other WVNG location or duty station.
- (b) This policy does not apply to recordings or interceptions conducted for law enforcement purposes.

16.2 Due to the nature of the information discussed in a military environment, all personnel must take steps to safeguard classified information and appropriately handle unclassified information, to include for official use only and sensitive but unclassified information. Additionally, fostering trust and mutual respect within the workplace promotes an effective and safe work environment. However, informational safeguards and an effective work environment can be compromised by the surreptitious use of recording devices. Using recording devices to secretly record the conversations of fellow employees, managers, supervisors or other personnel causes a loss of trust and mutual respect among the workforce and could cause a breach of information assurance procedures. Effective immediately, recording devices will not be used in the workplace to record conversations unless:

- (a) All parties to the conversation have been informed that the conversation will be recorded;
- (b) All parties consent to be recorded;
- (c) The recording device is in plain view of all participants to the conversation at all times;
- (d) Any applicable regulations, policies or directives are appropriately followed to safeguard recorded information.

16.3 Failure to obey this policy may subject employees and military members to adverse administrative action or, if applicable, to discipline under the UCMJ or other criminal statutes.



West Virginia Military Authority

APPENDICES



West Virginia Military Authority

**APPENDIX A - REQUEST FOR PRIOR APPROVAL OF OUTSIDE
EMPLOYMENT/SELF EMPLOYMENT**



West Virginia Military Authority

REQUEST FOR PRIOR APPROVAL OF OUTSIDE EMPLOYMENT/SELF EMPLOYMENT

Name: _____ Employee ID: xxx-xx-_____

Title: _____ Department : _____

Approval is requested for permission to engage in the following outside employment activity or self employment:

Employing firm, Person or Agency _____

Address: _____

City: _____ State: _____ Zip: _____

Briefly describe the work to be performed:

Approximate amount of time to be spent in outside employment/self employment per week: _____

Proposed employment will begin : _____ and continue through: _____

West Virginia Ethics Commission Declaration (If one or more of the following statements is answered 'Yes', then the employee must submit the request to the Ethics Commission prior to consideration by the Adjutant General)

No Yes The secondary employment is with a person or business over which the employee directly, or indirectly through subordinates, exercises regulatory authority in his or her primary state employment.

No Yes The employee will receive private pay for providing information or services that his or her public position requires to be provided to the public at no cost.

No Yes The employee could access or use confidential information or services for the benefit of the outside employer

No Yes The employee will use state time, supplies or equipment to perform work for the secondary employer.

The above information or statements are declared to be true, complete and accurate:

Employee Signature _____
Date

Supervisor Recommendation

Approve Deny _____
Supervisors' Signature _____
Date

Division Head/Program Manager Recommendation

Approved Denied _____
Division Head/Program Manager Signature _____
Date

The Adjutant General's Decision

Approved Denied _____
MG JAMES A. HOYER _____
Date



West Virginia Military Authority

APPENDIX B - EMPLOYEE PERFORMANCE REVIEW



EPR-1

EMPLOYEE PERFORMANCE REVIEW

Employee Name: _____ Employee I. D. # xxx-xx-_____

Division: _____ Work Unit: _____

Job Title: _____ Yrs in Position: _____

Performance Review Period From: _____ To: _____

Overall Rating	Review Type:
<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Annual
<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Probationary
<input type="checkbox"/> Needs Improvement	<input type="checkbox"/> Special

Rating Definitions

Exceeds Expectations: Employee consistently exceeds the key requirements for the job.

Meets Expectations: Employee meets the key requirements for the job in all areas. Consistently makes a positive contribution to the mission/output of the unit.

Needs Improvement: Performance is unacceptable in one or more key requirements of the job due to employee's own lack of effort or skill. Excessive supervisory direction and follow-up are needed. Immediate improvement required.

Mark x in appropriate box

Performance Criteria	Exceeds Expectations	Meets Expectations	Needs Improvement
Job Knowledge: Possesses required knowledge, abilities and technical skills; operates equipment with proper level of proficiency			
Work Habits: Organizes work effectively; work is free from errors; Follows safety /security procedures; uses information appropriately.			
Communication: Listens to, reads, and understands information; Relays accurate and clear information in written and oral form.			
Interpersonal Skills/Teamwork: Works cooperatively with others; Accepts supervision; treats others fairly and equitably; cooperates with other units.			
Work Results: Produces the expected quality/quantity of work.			
Attendance/Punctuality: Maintains acceptable attendance record; Is relied upon to work as scheduled.			
Managerial/Supervision Criteria			
Delegation and Supervision: Effectively directs others in accomplishing work; provides appropriate and timely feedback; encourages career/skills development in subordinate staff.			
Leadership: Exhibits confidence in self and others; inspires trust and and respect; models ethical workplace behaviors.			
Planning/Organization: Plans and organizes work effectively; Coordinates with others; secures resources and assures proper use.			

EPR-1

Date: _____

Employee Name: _____ Employee I.D. No. xxx-xx- _____

Section 1. Comments on outstanding performance, special contributions and/or Exceeds Expectations:

Section 2. Comments on overall employee performance marked as Meets Expectations

Section 3. Recommendations to Improve Performance. Describe specific actions needed by the employee to improve items cited as Needs Improvement.

Section 4. Employee Comments (Optional)

Employee Signature: _____ Date: _____

(Signature does not necessarily signify agreement with rating or comments)

Supervisor Signature: _____ Date: _____

Reviewer Signature: _____ Date: _____

(Reviewer is typically the next level in the chain of command, but may be higher level)



EMPLOYEE PERFORMANCE - SELF ASSESSMENT

Employee Name: _____ Employee I. D. # xxx-xx-_____

Division: _____ Work Unit: _____

Job Title: _____ Yrs in Position: _____

Review Period From: _____ To: _____ Review Type: __ INTERMEDIATE __ ANNUAL

Rating Definitions

Exceeds Expectations: Consistently exceeds the key requirements for the job.

Meets Expectations: Meets the key requirements for the job in all areas. Consistently makes a positive contribution to the unit.

Needs Improvement: Unacceptable in one or more key requirements of the job due to employee's own lack of effort or skill.

Mark x in appropriate box

Performance Criteria	Exceeds Expectations	Meets Expectations	Needs Improvement
Job Knowledge: Possesses required knowledge, abilities and technical skills; operates equipment with proper level of proficiency			
Work Habits: Organizes work effectively; work is free from errors; Follows safety /security procedures; uses information appropriately.			
Communication: Listens to, reads, and understands information; Relays accurate and clear information in written and oral form.			
Interpersonal Skills/Teamwork: Works cooperatively with others; Accepts supervision; treats others fairly and equitably; cooperates with other units.			
Work Results: Produces the expected quality/quantity of work.			
Attendance/Punctuality: Maintains acceptable attendance record; Is relied upon to work as scheduled.			

Section 1. What special contributions have you made to the unit?

Section 2. How do you feel you can improve your overall performance?:

Section 3. Comments on your overall performance.



NOTICE OF SUBSTANDARD PERFORMANCE

Employee: _____ Supervisor: _____

Job Title: _____ Division/Work Unit: _____

The specific items listed below are not being performed at a satisfactory level. You are being given an opportunity to improve your work performance in these areas because we believe that the deficiencies can be corrected by your conscientious effort. Your performance will be monitored during the agreed to performance improvement period and specific feedback provided to you.

Specific performance area(s) to be improved:

Specific improvement expected during the performance improvement period:

Scheduled dates for review: _____ / _____ / _____

Note: You will not receive a regular employee performance review before completing the performance improvement described in this document. An employee who has been issued a Notice of Substandard Performance may not be rated as Exceeds Expectations or Meets Expectations until the expected level of performance cited above has been achieved.

If you have any questions or issues with this notice, please feel free to contact me. The Authority will support your efforts to correct any performance related problems within the provisions of federal and state laws and our Personnel Policies and Procedures. However, failure to correct the above listed deficiencies may result in disciplinary action up to and including dismissal.

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____



EMPLOYEE PERFORMANCE REVIEW RATER INSTRUCTIONS

Planning and Preparation

1. **Plan** the employee performance review meeting like you would any other important work assignment.
2. Make a **list** of important points – pro or con - about the employee’s performance you want to discuss. Be prepared to present and defend each point.
3. Decide **in advance** of the employee meeting what you need to accomplish – commendation, criticism, performance improvement, skills development, coaching, etc.
4. **Review** work product files, written observations of job performance, employee productivity/attendance records, significant job related incidents. Don’t depend on hunches, unsubstantiated opinions or vague recollections.

Completing the EPR-1 Form

5. Complete the personal information and position related sections of the EPR-1 form.
6. **Review** the remainder of the form and comments sections **before** preparing any ratings of the employee.
7. Mark the appropriate rating category for **each** Performance Criteria. Note important information to be included in the Comments section of the EPR-1 form.
8. Enter appropriate comments regarding employee’s performance in Sections 1, 2, and/or 3 of the EPR-1.
9. In Section 1 cite any particularly special accomplishments and outstanding contributions of the employee **for the rating period** as the basis for the Exceeds Expectations rating.
10. As appropriate, in Section 2 list specific accomplishments and contributions of the employee **for the rating period** as the basis for the Meets Expectations rating.
11. As appropriate, in Section 3 list the specific actions needed by the employee to improve any performance criteria rated as **Needs Improvement**. In the alternative, the Supervisor may use the **Notice of Substandard Performance Form (EPR-2)**.
12. Submit the **completed** EPR-1 Form to the designated Reviewer (typically the next level supervisor) for review and comment. If needed, schedule a meeting with the Reviewer to discuss the completed EPR-1 form. Seek consensus and support for the ratings, especially on items rated as **Needs Improvement**.



Conducting the Employee Performance Review Meeting

13. Schedule the EPR meeting with the employee at least one week in advance.
14. Provide the employee with a copy of the **completed** EPR-1 form which has been discussed with the Reviewer.
15. Provide strict privacy for the discussions; eliminate any interruptions.
16. Be fair, but don't be afraid to give honest criticism when necessary. Don't tiptoe around an issue. **Make sure the employee leaves the meeting knowing what he/she is doing right or wrong.**
17. Be supportive. In order to cooperate in improving performance, the employee must trust you.
18. Expect and plan for disagreement; even reconcile yourself to the possibility that complete agreement may not be achieved.
19. **Listen.** Encourage the employee to respond to the EPR-1 form. This is valuable feedback not only about the employee's performance but also about Authority policies and procedures and the manner in which the unit is operating. This employee feedback can be very valuable.
20. Be constructive in criticism. Offer suggestions on how the employee can improve each element marked 'Needs Improvement'.
21. Sign and date the EPR-1 form; obtain the employee's signature. Transmit the forms to the Reviewer for signature.
22. **Schedule** dates for review of any performance deficiencies.
23. Maintain copy of the EPR-1 form per Division/Work Unit practice.
24. Submit original EPR-1 form to the WMVA HR Office.



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**APPENDIX C – DRUG AND ALCOHOL FREE WORKPLACE
ACKNOWLEDGEMENT**



Drug and Alcohol Free Workplace Policy

Employee Statement of Understanding

I _____ have received and read the Drug and Alcohol Free Workplace Policy and agree to abide by it. I understand that failure to observe these rules will result in disciplinary action or termination of employment.

I understand that the purpose of this policy to is provide a safe working environment for staff and property. I understand that I may be required to undergo random drug/alcohol testing of my blood or urine. I understand that I am also subject to testing based on reasonable suspicion that I am using or am under the influence of drugs or alcohol.

I acknowledge and understand the intention to test for drugs and/or alcohol and agree to be bound by this policy. I hereby consent to such testing and understand that refusal to submit to testing or a positive result of the testing may result in disciplinary action up to and including dismissal from the West Virginia Military Authority.

Date _____

Employee's Signature



West Virginia Military Authority

**APPENDIX D – PROHIBITED WORKPLACE HARASSMENT POLICY
ACKNOWLEDGEMENT**



Prohibited Workplace Harassment Policy

Employee Statement of Understanding and Receipt

I, _____, certify that I have received a copy of the West Virginia Military Authority Prohibited Workplace Harassment policy.

I understand that 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 nondiscriminatory hostile workplace harassment, is prohibited and will not be tolerated in the workplace. Further, I understand my responsibility to promptly report allegations of illegal harassment, fully cooperate in and not interfere with any authorized investigation, and not retaliate against those who participate in the complaint and/or investigation process.

My signature acknowledges my receipt of the policy and my understanding of its contents and requirements. My signature does not indicate that I agree or disagree with the content of the policy. However, I understand I must abide by the terms of the policy and I am aware that with any violation of this policy, I will be subject to disciplinary action, up to and including dismissal.

Employee's Name (Print)

Employee's Signature

TO BE COMPLETED BY SUPERVISOR

I, _____, certify that I have discussed with and provided the above listed employee a copy of the West Virginia Military Authority Prohibited Workplace Harassment policy.

Supervisor's Name (Print)

Supervisor's Signature

Date



West Virginia Military Authority

**APPENDIX E – NATIONAL GUARD INSTALLATION CLEARANCE
RECORD**

West Virginia Army National Guard Installation Clearance Record

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: AR 600-8-101

PRINCIPAL PURPOSE: To ensure administrative readiness of the full time support personnel of the WVNG. To complete in-processing or clearance verification prior to an employee's transition from active duty, transfer to another Service, Component, or employment, separation, discharge, or retirement.

ROUTINE USES: To establish or close out an employee's personnel records as well as meet the requirements of the appropriate staff sections within West Virginia. To ensure full administrative processing of an employee within the organization. Forms will not be disclosed outside the Department of Defense (DoD) and sponsored agencies.

DISCLOSURE: Disclosure is voluntary; however, failure to complete this form may result in incomplete records, leading to pay issues or delay in personnel actions.

INSTRUCTIONS TO THE INDIVIDUAL: This form is designed to assist you and the WVNG in completing your in-processing or final clearance as accurately and expeditiously as possible. You are responsible for ensuring that this checklist is completed properly. Each employee will use this form as a guide to in-process or out-process the various activities as listed below. Full-time employees must also ensure coordination with full-time personnel management offices, such as HRO (AGR, ADOS, Technicians), State Personnel Officer (Military Authority / State Employees), and Office of Personnel Management (Contractors).

SECTION A – PERSONNEL DATA (To be completed by the individual in coordination with the appointed staff agency)

1. NAME	2. RANK/TITLE	3. SSN-LAST 4 XXX-XX-	4. ORDER NO/PD/CONTRACT NO.
5. GAINING UNIT/ ACTIVITY/ SUPERVISOR/ TELEPHONE NUMBER	6. LOSING UNIT/ ACTIVITY/ SUPERVISOR/ TELEPHONE NUMBER	7. START DATE (YYYYMMDD)	
8. REASONS <input type="checkbox"/> REASSIGNMENT <input type="checkbox"/> PCS <input type="checkbox"/> ETS <input type="checkbox"/> RETIREMENT <input type="checkbox"/> OTHER (Specify)			9. END DATE (YYYYMMDD)

SECTION B – INSTALLATION STANDARD OUT-PROCESSING SECTION

10. INSTALLATION ACTIVITY	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.
	AGR	MIL-TECH	ADOS	CIV CONT EMP	STATE EMP / MIL AUTH	PRINTED NAME OF BRIEFER	PHONE #	SIGNATURE	DATE	REMARKS
G-1 (MILPO)	X	X	X	X <small>CVS ONLY</small>	X		561-6363			
Final Orders	X	X	X				561-6363			
NGB Form 22		X					561-6625			
Final OER/NCOER	X	X	X				561-6625			
Personnel Security	X	X	X	X	X		561-6625			
HRO	X	X	X				561-6424			
DD 214	X		X				561-6424			
SAFETY	X	X	X	X	X		561-6325			
EDUCATION OFFICE	X	X	X				561-6366			
CAC/DEERS/ID TAGS	X	X	X	X <small>CAC ONLY</small>	X <small>CAC ONLY</small>		561-6822			
TRI CARE	X	X	X				561-6822			

21. REMARKS:

West Virginia Army National Guard Installation Clearance Record

SECTION A - PERSONNEL DATA

1. NAME		2. RANK/TITLE		3. SSN-LAST 4 XXX-XX-	4. ORDER NO/PD/CONTRACT NO.
5. GAINING UNIT/ ACTIVITY/ SUPERVISOR/ TELEPHONE NUMBER			6. LOSING UNIT/ ACTIVITY/ SUPERVISOR/ TELEPHONE NUMBER		7. START DATE (YYYYMMDD)
8. REASONS <input type="checkbox"/> REASSIGNMENT <input type="checkbox"/> PCS <input type="checkbox"/> ETS <input type="checkbox"/> RETIREMENT <input type="checkbox"/> OTHER (Specify)				9. END DATE (YYYYMMDD)	

SECTION B - INSTALLATION STANDARD OUT-PROCESSING SECTION

10. INSTALLATION ACTIVITY	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.
	AGR	MIL-TECH	ADOS	CIV CONT	STATE EMP / MIL	PRINTED NAME OF BRIEFER	PHONE #	SIGNATURE	DATE	REMARKS
FAMILY ASSISTANCE CENTER	X	X	X				561-6380			
VA REPRESENTATIVE	X	X	X				561-6380			
CHAPLAIN SERVICES AS NEEDED	X	X	X	X	X		561-6490			
G2/PHYSICAL SECURITY	X	X	X	X	X		561-6610			
G3	X	X	X				561-6420			
EOC/JOC	X	X	X				561-6710			
MEDCOM	X		X				561-6466			
OCCUPATIONAL HEALTH	X	X	X	X	X		201-3384			
J6 COMPUTER AND TELEPHONE ACCTS	X	X	X	X	X		561-6600			
Blackberry & Computer Accounts Deactivated	X	X	X	X	X		561-6600			
USPFO	X	X	X				473-5201			
TRAVEL CARD	X	X	X				473-5209			
DTS / Vouchers	X	X	X				479-5209			
LOG OFFICE	X	X	X				473-5230			
CFMO	X	X	X	X	X		561-6331			
Proxy Card/Keys Turn-in	X	X	X	X	X		561-6331			
FINAL CLEARANCE (MILPO)	X	X	X	X	X		561-6363			

21. REMARKS:



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APPENDIX F – EMPLOYEE GRIEVANCE FORM



West Virginia Military Authority

EMPLOYEE GRIEVANCE FORM

Grievant's Information (Please Print)

Grievant's Full Name	Duty Station	Representative's Name
Home Address	Work Address	Home Address
City, State, Zip Code	City, State, Zip Code	City, State, Zip Code
Phone Number	Phone Number	Phone Number
Email Address	Grievant's Job Classification	

Statement of Grievance (Indicate the specific policy, statute or regulation you claim was violated)

Relief Sought:

_____ Date Grievance Filed _____ Grievant's Signature

Level 1 Decision:

Signature: _____ Date: _____

Date Filed at Level 2: _____ Grievant's Signature: _____

Level 2 Decision: Concur Reject Modified

Statement of Modification: _____

Signature: _____ Date: _____

Date Submitted to General Counsel WVMA: _____ Grievant's Signature: _____

TAG Decision: Concur Reject Modified

Statement of Modification: _____

Signature: _____ Date: _____



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APPENDIX G - LEAVE DONATION PROGRAM GUIDELINES



Leave Donation Program Guidelines

INTRODUCTION

The procedures and forms detailed as follows are provided as specified in the rule for the leave donation program (143CSR2). These procedures and forms may be changed from time to time as the need arises.

PROCEDURES

1. Applying To Receive Donated Leave

An employee who thinks he/she may be eligible for leave donations must first:

complete Part I (Applicant Information) of the form titled **APPLICATION TO RECEIVE DONATED LEAVE** (Appendix A); and,

have his/her physician or medical practitioner complete Part III of the same form. If the employee is applying to receive donated leave to care for an ill or injured member of their immediate family, the physician or medical practitioner for the family member completes Part III.

NOTE: If the employee, because of his/her medical condition, is unable to complete the application him/herself, it may be completed by an immediate family member or by the appointing authority. Item 10, however, is optional and, if completed, can only be completed by the employee.

Once both Parts I and III have been completed, the employee must submit the **APPLICATION TO RECEIVE DONATED LEAVE** to his/her immediate supervisor or the person responsible for keeping his/her leave records.

2. Processing the **APPLICATION TO RECEIVE DONATED LEAVE**

When an **APPLICATION TO RECEIVE DONATED LEAVE** is received by an agency, forward it immediately to the person responsible for keeping the applicant's leave records.

The person responsible for keeping the applicant's leave records, should:

make sure Parts I and III are complete - if not, return to the applicant for completion, and

once completed form is received, fill out the **APPLICATION TO RECEIVE DONATED LEAVE** as follows:

Item 1. Determine if the employee receives leave as a benefit of employment. If the employee does NOT receive leave as a benefit of employment (for example, if they are a student exempt employee, 90-day exempt employee, contract employee, etc.) or if the employee leave benefits are conditional (i.e. if the employee is an intermittent or 6-month temporary



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employee), mark item 1 "NO" and go to item 6. If the employee does receive leave as a benefit of employment, mark item 1 "YES" and go to item 2.

Item 2. Determine if the employee is receiving or eligible to receive Workers' Compensation benefits for his/her absence. If so, mark item 2 "YES" and go to item 6. If not, mark item 2 "NO" and go to item 3.

Item 3. Indicate the date the employee's leave available for this absence was or will be exhausted. In the case of the employee's own illness or injury, all sick leave and all annual leave must be exhausted. In the case of the employee's absence to care for a member of his/her immediate family, all of the employee's annual leave must be exhausted and the forty hours sick leave allowed for immediate family members must be exhausted.

Item 4. Using the information from Part III, 5a or 5b, indicate how long the employee is expected to be absent from work. If the employee's expected return date is less than one-half a month (i.e. at least ten consecutive work days) from the date the employee's available leave was or will be exhausted, go to item 6. Otherwise, go to item 5.

NOTE: There must be a date indicated by the physician in Part III, 5a or 5b, even if it is approximate or the date the physician will next evaluate the patient's condition. "Unknown" or similar statements are not sufficient to determine an individual's eligibility for leave donations.

Item 5. Indicate whether the absence is for the employee or the employee's immediate family member.

Item 6. Indicate whether or not the employee is eligible to receive donated leave.

Mark "ELIGIBLE" if:

- the response to item 1 is "YES"; and,
- the response to item 2 is "NO"; and,
- the employee's available leave was or will be exhausted at least one-half a month (i.e. at least ten consecutive work days) or more before the employee's expected return date.
- Then go to Item 7.

Mark "NOT ELIGIBLE" if:

- the response to item 1 is "NO"; or,
- the response to item 2 is "YES"; or,
- the employee is expected to return to work less than one-half a month (i.e. less than ten consecutive work days) after his/her available leave is exhausted.



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- Then go to Item 6a. Indicate the reason the applicant is "NOT ELIGIBLE." The reason will be one of the following:
 - does not receive leave as a condition of employment, OR
 - is receiving or eligible to receive Workers' Compensation benefits OR is receiving Social Security Disability benefits for this absence, OR
 - the absence will be for less than ten consecutive workdays after the employee's available leave is exhausted.

Item 7. Indicate the FIMS account information for the recipient (see page 8, number 9 "FIMS Account Information").

Item 8. Sign and print or type your name.

Item 9. Indicate the date you completed Part II.

Item 10. Indicate your "working" title -- e.g. Timekeeper, Payroll Supervisor, Office Manager, etc.

Item 11. Indicate your work phone number.

Once Part II of the APPLICATION TO RECEIVE DONATED LEAVE is completed, either:

forward a copy of the completed APPLICATION TO RECEIVE DONATED LEAVE to the person in your agency responsible for preparing the NOTICE OF ELIGIBILITY TO RECEIVE LEAVE DONATIONS (Appendix B) if the employee is eligible; or

return a copy of the completed APPLICATION TO RECEIVE DONATED LEAVE to the employee if the employee is NOT eligible.

NOTE: The earliest date a recipient employee can be eligible to receive leave donations is either the date the APPLICATION TO RECEIVE DONATED LEAVE is received by the agency or the date all leave available to the recipient employee is exhausted, whichever is later.

NOTE: Participation in the leave donation program does not relieve an employee of the responsibility of applying and receiving approval for an appropriate leave of absence without pay. It should be noted, however, on the WV-11, CS-00 and/or the supplemental payroll that the employee is participating in the program.

3. Completing the NOTICE OF ELIGIBILITY TO RECEIVE LEAVE DONATIONS

All information required for the notice is available from the APPLICATION TO RECEIVE DONATED LEAVE. The NOTICE OF ELIGIBILITY TO RECEIVE LEAVE DONATIONS:

is completed and distributed by the appointing authority to advise interested employees that a fellow employee is in need of and eligible for leave donations;



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may be copied as is on your agency's letterhead or you may wish to create a word processing document in which you can insert the necessary information;

must be signed by the appointing authority or his/her designee.

NOTE: The additional information (Part I, item 10), if any, must be published exactly as the employee has written it.

The appointing authority or his/her designee:

must make the notice (or an electronic equivalent/facsimile) available to other employees within the agency (i.e. the organizational level immediately below a department or bureau) of the employee in a manner deemed appropriate by the appointing authority;

may, at his/her discretion, make the notice (or an electronic equivalent/facsimile) available to other agencies and/or departments or bureaus;

may, but is not required to, make notices from other agencies and/or departments or bureaus available to employees within his/her agency.

4. Applying to donate annual leave

An employee who wishes to make a voluntary donation of annual leave to a designated eligible employee must:

complete Part I of the APPLICATION TO DONATE ANNUAL LEAVE (Appendix C) (please note that items 4 and/or 5 should be completed only if applicable); and

submit the APPLICATION TO DONATE ANNUAL LEAVE to the person responsible for keeping his/her leave records.

5. Processing the APPLICATION TO DONATE ANNUAL LEAVE

The person responsible for keeping the donor applicant's leave records should:

make sure Part I is complete and signed (if not, return to the applicant for completion); then complete Part II of the APPLICATION TO DONATE ANNUAL LEAVE as follows.

Item 1a. Subtract the amount of the annual leave donation (Part I, 6) from the donor applicant's current balance of unused annual leave. (NOTE: If the amount of the annual leave donation exceeds the donor applicant's current balance of unused annual leave, return the form to the employee noting his/her current balance of unused annual leave.) Indicate the amount of unused annual leave remaining after the amount of the annual leave donation is subtracted.

Item 1b. Indicate the donor applicant's current balance of unused sick leave.



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Item 1c. Indicate the donor applicant's total amount of unused leave (i.e. 1a + 1b). If this total is less than 80 hours, go to item 3.

Item 2. If the leave donation is being made to an employee paid from a different account than the donor, indicate whether or not funds are available to make the donation.

Item 3. Indicate whether or not the employee is eligible to make the leave donation.

Mark ELIGIBLE if:

- the donor applicant's TOTAL remaining leave balance after deducting the leave donation is at least 80 hours, AND
- if the donation is inter-agency and there are sufficient funds available to make the donation.

Mark NOT ELIGIBLE if:

- the donor applicant's TOTAL remaining leave balance after deducting the leave donation is less than 80 hours; OR
- if the leave donation is inter-agency and there are NOT sufficient funds to make the donation.
- Then go to Item 3a.

Item 3a. Indicate the reason the donor applicant is "NOT ELIGIBLE." The reason will be one of the following:

the balance of total leave remaining after the leave donation is subtracted is less than 80 hours.
OR

the donation would be inter-agency and the donor's agency does not have sufficient funds to make the donation.

Item 4. Indicate the donor's hourly rate of pay. This rate is calculated by dividing the donor's base annual salary (i.e. without increment) by the number of hours in a work year. Generally, this will be 2,080 hours for a full time employee with a 40 hour/week work schedule. For a part-time employee, the calculation should be done on a pro rata basis in proportion to the regular full time schedule in his/her agency.

Item 5. Indicate the dollar value of the leave donation. This value is calculated by multiplying the total number of annual leave hours donated by the donor's hourly rate of pay.



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Item 6. Indicate the FIMS account information for the donor (see page 7, number 9 "FIMS Account Information").

Item 7. Sign and print or type your name.

Item 8. Indicate the date you completed Part II.

Item 9. Indicate your "working" title – e.g. Timekeeper, Payroll Supervisor, Office Manager, etc.

Item 10. Indicate your work phone number.

Once Part II of the APPLICATION TO DONATE ANNUAL LEAVE is completed, either:

return a copy of the APPLICATION TO DONATE ANNUAL LEAVE to the donor applicant if the employee is NOT eligible; or

if the donor applicant is eligible and is paid from the same account as the designated recipient, forward a copy of the APPLICATION TO DONATE ANNUAL LEAVE to the person in your agency responsible for payroll; or

if the donor applicant is eligible but is NOT paid from the same account as the designated recipient, complete Part I of the INTER-AGENCY DONATION FORM (Appendix D) as follows.

Item 1. Indicate the name of the agency employing the donor.

Item 2. Indicate the name of the section within the agency employing the donor, if applicable.

Item 3. Indicate the name of the unit within the section within the agency employing the donor, if applicable.

Item 4. Indicate the FIMS account information for the donor (see page 8, number 9 "FIMS Account Information").

Item 5. Indicate the total dollar amount of the leave donation (LEAVE DONATION FORM, Part II, item 5).

Item 6. Sign and print or type your name.

Item 7. Indicate your work phone number.

Item 8. Indicate the name of the agency employing the recipient.

Item 9. Indicate the name of the section within the agency employing the recipient, if known and/or applicable.

Item 10. Indicate the name of the unit within the section within the agency employing the recipient, if known and/or applicable.



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Item 11. Indicate the name of the recipient.

Once Part I of the INTER-AGENCY DONATION FORM is completed, send it to the recipient's agency payroll office.

6. Paying recipients of donated leave

NOTE: Donated leave is wages for the recipient employee according to the IRS, Revenue Ruling 90-29 (Appendix E).

Consequently, wage-based deductions are taken from leave donations except for State retirement deductions since the leave donation law prohibits service credit from being granted during periods when donated leave is used. However, since the object of the leave donation program is to replace "take-home" pay, gross pay is adjusted to account for the retirement exception and payments of donated leave are processed as payroll as described below.

Once you have received approved leave donations for an eligible recipient employee, you should calculate the recipient employee's adjusted gross pay for a regular payperiod (i.e. one-half a month) by subtracting the employee's usual State retirement deduction from his or her usual gross pay for a regular payperiod (excluding overtime).

If there are donations at least equal to the recipient employee's adjusted gross pay for a half-month (or portion of a half-month if the employee's eligibility begins or ends prior to the end of a payperiod), take the mandated deductions [except State retirement] and any other deductions authorized by the employee from the adjusted gross and process as payroll. The recipient employee's take home pay should be the same (or within pennies of the same) as his or her take home pay (excluding overtime) if he or she were at work or on paid leave. If the donations are less than the recipient employee's adjusted gross pay for a half-month, take the mandated deductions [except State retirement] and any other deductions authorized by the employee from the available donations and process as payroll. In either case, you may pay the leave donations on a regular payroll or a supplemental, whichever the circumstances dictate. If you pay the leave donations on a regular payroll, remember to zero out the retirement deduction.

NOTE: As you receive approved APPLICATIONS TO DONATE ANNUAL LEAVE or INTER-AGENCY DONATION FORMS, we recommend that you keep a ledger for each recipient that shows all donations received and payments made. Donations should be used in the order received (earliest to latest) from within the agency FIRST, then in the order received from outside the agency.

If the recipient has been paid from inter-agency leave donations, request reimbursement from the donor employee's agency as follows:

Complete Part II of the INTER-AGENCY DONATION FORM as follows:

Item 1. Indicate the date the leave donation was paid to the designated recipient.

Item 2. Indicate the amount of leave donation that was paid to the designated recipient and the amount of the employer's FICA match.

Item 3. Indicate the FIMS account information for the recipient (see page 7, number 9 "FIMS Account Information"), including the FIMS transaction number.



West Virginia Military Authority

Item 4. Sign and print or type your name.

Item 5. Indicate your work phone number.

Send the INTER-AGENCY DONATION FORM to the contact person in the donor's agency (Part I, item 6).

When you receive an INTER-AGENCY DONATION FORM requesting reimbursement, process an expense-to-expense transfer using appropriate FIMS account information (see page 8, number 9 "FIMS Account Information") and attaching a copy of the INTER-AGENCY DONATION FORM.

7. Returning and Re-crediting Unused Leave Donations

If, for whatever reason, more leave is donated to a recipient than the recipient needs or is eligible to use, that excess leave donation should be returned to the donor(s) and re-credited to his/her (their) annual leave balance(s) as follows.

If the leave donation is inter-agency (i.e. the recipient and the donor are paid from different funds), notify the contact person in the donor's agency of the dollar balance of the leave donation which was/will not be used by completing Part III of the INTER-AGENCY DONATION FORM.

If the recipient and the donor are paid from the same fund or if you have received notice that an inter-agency donation will not be used (either in whole or in part):

determine the amount of the unused leave donation in hours by dividing the unused dollar amount of the leave donation by the hourly rate of the donor at the time the donation was made;

re-credit the number of hours of unused leave donation to the annual leave balance of the donor; and,

notify the donor of the amount of unused leave donation re-credited to his/her annual leave balance.

Unused leave donations are re-credited to the donor's annual leave balance as of the original date of the donation. In the case of leave which could not have been carried forward to the new calendar year, the donor will be given one additional opportunity to donate the leave to another designated eligible recipient. This donation should be made within five work days of notice of the re-crediting of the unused donation. If the subsequent donation is unused, that donation is recredited to the donor's annual leave balance as of the original date of the first donation and the Administrative Rule is followed regarding carry-forward hours.

NOTE: In no case shall the provisions of the leave donation program be used or interpreted to allow an employee to carry forward hours of annual leave in excess of those allowed in the Administrative Rule of the Division of Personnel, Section 15.03.(a).

8. Documenting and Reporting Leave Donations

The Division of Personnel is required to report to the joint committee on government and finance annually on the status of the leave donation program. This report will be based on information provided by agencies' appointing authorities as follows.



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Each appointing authority or designee should send copies of all completed INTER-AGENCY DONATION FORMS (i.e. with reimbursement requested) and all APPLICATIONS TO DONATE ANNUAL LEAVE and APPLICATIONS TO RECEIVE DONATED LEAVE originating within his/her agency, even if the donor or recipient is not eligible.

Copies should be sent quarterly, within two weeks after the end of each quarter (i.e. by January 14, April 14, July 14, and October 14), to:

West Virginia Division of Personnel
Director's Office - Administration and Communications
Building 6, Room 416
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0139

9. FIMS Account Information

Payment of leave donations to recipients should be made from the payroll account of the fund and org to which the recipient's position is allocated with benefit payments made from the appropriate benefit accounts.

For reimbursement of inter-agency donations (i.e. the donor and recipient are paid from different funds/operating accounts), the reimbursement for personal services should be made from the personal services account of the fund and org to which the donor's position is allocated, and the reimbursement for the employer's FICA match should be made from the Social Security line item (011) of the benefits account of the fund and org to which the donor's position is allocated using the appropriate reimbursement object code. Any exceptions should be noted by attachment to the expense-to-expense cover sheet.

Certain funds are not eligible sources of payment for leave donations or reimbursement for inter-agency leave donations. Generally, these are single purpose fund sources which are defined by statute or for which the Budget Bill specifies eligible expenditures from the appropriation. These include: current expenses; equipment; repairs and alterations; any capital outlay appropriation; buildings (construction or reconstruction); land purchases; debt service; and, any special revenue fund that is single purpose. Questions regarding the eligibility of a fund as a source of reimbursement for leave donations should be directed to the Auditor's Office.

FORMS

[Forms for the Leave Donation Program](#) follow these procedures. The forms are as follows:

- [Appendix A: Application to Receive Donated Leave](#)
- [Appendix B: Notice of Eligibility to Receive Leave Donations](#)
- [Appendix C: Application to Donate Annual Leave](#)
- [Appendix D: Inter-Agency Donation Form](#)



APPLICATION TO RECEIVE DONATED LEAVE

PLEASE PRINT OR TYPE

PART I – APPLICANT INFORMATION: To be completed by the applicant or designee.

Form with fields for Name, Social Security Number, Agency, Work Phone, Home Phone, Section, Reason for Request, and Signature/Date.

PART II – EMPLOYER DETERMINATION: To be completed by the applicant’s Appointing Authority or designee.

Form with numbered questions 1-11 regarding employment benefits, leave exhaustion, and certification.



The Office of the Adjutant General
West Virginia Military Authority
1703 Coonskin Drive
Charleston, WV 25311

NOTICE OF ELIGIBILITY TO RECEIVE LEAVE DONATIONS

_____, an employee of the _____,
(applicant's name) (agency, section, unit)

is eligible to receive voluntary donations of annual leave. _____ has
(applicant's name)

been absent from work since _____, and his/her available leave was
(last day of work)

or will be exhausted on _____.'s
(last day of pay) (applicant's name)

absence is due to his/her own illness or injury
 the illness or injury of his/her _____
(relationship)

and he/she is expected to be off work until _____.
(expected date of return)

_____ has requested that the following additional information be pub-
(applicant's name)

lished with this notice.

Any employee wishing to make a voluntary donation of annual leave to _____
(applicant's name)

should complete a Leave Donation Application and submit it to the individual responsible for keeping

leave records in his/her work unit.

SIGNATURE OF APPOINTING AUTHORITY

DATE

PART III – PHYSICIAN/PRACTITIONER INFORMATION: To be completed by the patient’s physician or medical practitioner.

The employee named in Part I has applied to receive donations of annual leave through the Leave Donation Program established by the West Virginia Division of Personnel. You are requested to either complete the information below or attach a completed DOP-L3 Physician’s/Practitioner’s Statement form for your patient.

If your patient is the named employee, complete items 1, 2, 3, 4a, 5a, and 6 through 13. If your patient is a member of the named employee’s immediate family, complete items 1, 2, 3, 4b, 5b, and 9 through 13.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

PLEASE PRINT OR TYPE

1. Patient’s Name:		2. Most recent examination date:	
3. Patient is/was:	<input type="checkbox"/> Under my professional care	FROM	TO
	<input type="checkbox"/> Hospitalized	FROM	TO
4 and 5. COMPLETE THE APPROPRIATE SECTIONS (4a and 5a –OR– 4b and 5b) BELOW: Provide a return to duty date for either section, even if it is approximate. As an alternative, you may give the date you will next evaluate the patient’s condition.			
4a. Patient is:		4b. Patient is:	
<input type="checkbox"/> The employee , and has been incapacitated from performing and is/her job duties		<input type="checkbox"/> A family member of the named employee , and the employee’s absence from work has been necessitated by the medical condition of the patient	
FROM _____ TO _____		FROM _____ TO _____	
5a. Return to duty information: The patient/employee has resumed or may resume full duty employment , with no restrictions on work activities, on:		5b. Return to duty information: The patient will no longer need the care/attendance of the named employee, which would require the absence of the employee, on:	
DATE: _____		DATE: _____	
6. If the patient is not able to return to full duty employment, can he/she return to work at less than full duty?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, what is the period of incapacity?		FROM _____	TO _____
7. Describe in detail any limitations or restrictions on the ability of the employee to work. Please list any assistive devices or equipment, or any other type of accommodation, the employee requires in order to perform his or her job duties.			
8. Will this illness/injury permanently prevent the employee from returning to work?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
9. Physician’s or Medical Practitioner’s Name:			
10. Address:		12. Phone:	
		13. Fax:	
11. Signature		14. Date:	





APPLICATION TO DONATE ANNUAL LEAVE

In accordance with W.V. Code §29-6-27 and 143CSR2, I am applying to make a voluntary donation of annual leave as indicated below.

PLEASE PRINT OR TYPE

PART I – Applicant Information: To be completed by the applicant.

1. Name:		2. Social Security Number:	
3. Agency:	4. Section:		5. Unit:
6. Total hours of annual leave applying to donate:			
7. Designated recipient's name:			
8. Designated recipient's agency:			
9. Applicant's signature:		10. Date:	

PART II – To Be Completed By The Applicant's Appointing Authority or Designee.

1. Applicant's balance of leave remaining after deducting the leave donation:			
1a. Annual Leave	1b. Sick Leave	1c. Total	
2. If this is an inter-agency donation, are there sufficient funds available to make this donation? <input type="checkbox"/> Yes <input type="checkbox"/> No			
3. The applicant is: <input type="checkbox"/> ELIGIBLE to make the indicated leave donation. <input type="checkbox"/> NOT ELIGIBLE to make the indicated leave donation.			
3a. REASON:			
<table border="1" style="width: 100px; height: 50px;"> <tr> <td> QUESTIONS? Please call the person named in item 7 below. </td> </tr> </table>			QUESTIONS? Please call the person named in item 7 below.
QUESTIONS? Please call the person named in item 7 below.			
4. Donor's hourly rate of pay:			
5. Dollar value of leave donated (i.e., total leave donated multiplied by donor's hourly rate of pay):			
6. FIMS account information for donor:			
7. Certified by:		8. Date:	
9. Title:		10. Phone:	



INTER-AGENCY DONATION FORM

PART I – Notification of inter-agency leave donation.

FROM:

1. Agency:	2. Section:	3. Unit:
4. FIMS Account Number (for Donor):		5. Total Dollar Amount of Leave Donation:
6. Contact Person:		7. Phone:

TO:

8. Agency:	9. Section:	10. Unit:
11. Name of Recipient:		

PART II – Request for reimbursement.

In accordance with the information provided above, the specified dollar amount of leave donation was paid to the designated recipient on _____ . Please provide reimbursement as follows:

1. (date)

2. Amount: a. Personal Services: _____ b. FICA: _____

3. FIMS Account Information: a. Personal Services: _____ b. FICA: _____

 FIMS Transaction Number: a. Personal Services: _____ b. FICA: _____

4. Contact Person:	5. Phone:
--------------------	-----------

PART III – Notification of Return of Unused Annual Leave Donation.

1. \$ _____ of this leave donation will not be used. Please recredit the appropriate amount of annual leave hours to the donor’s annual leave balance.	
2. Contact Person:	3. Phone:



West Virginia Military Authority

APPENDIX H - LEAVE



APPLICATION FOR LEAVE

NAME:	
WORK UNIT/SECTION:	DIVISION:
I AM MAKING APPLICATION FOR THE FOLLOWING LEAVE WITH PAY:	
_____ Hours Annual	_____ Hours Sick
_____ Hours Annual (exhaustion of SL)	_____ Hours Sick (Imm. Family)
_____ Hours Military	_____ Hours Sick (Death in Imm. Family)
_____ Hours Witness/Jury Service	_____ Hours Grievance Prep/Hearing
I AM MAKING APPLICATION FOR THE FOLLOWING LEAVE WITHOUT PAY:	
Personal Without Pay	Military Without Pay
I understand that if I do not return at the expiration of an approved leave of absence, my employment may be terminated, unless an extension has been approved in advance.	
PERIOD OF LEAVE:	
FROM Date: _____	_____ X A.M. X P.M.
TO Date: _____	_____ X A.M. X P.M.
EMPLOYEE SIGNATURE:	APPLICATION DATE:
<input type="checkbox"/> Approved	IMMEDIATE SUPERVISOR SIGNATURE and DATE:
<input type="checkbox"/> Disapproved	_____
<input type="checkbox"/> Approved	AGENCY-AUTHORIZED SIGNATURE and DATE:
<input type="checkbox"/> Disapproved	_____
REMARKS (In addition to any pertinent remarks, please also use this space to note relationship if using sick leave for a family member's illness, dental/medical appointment, or death):	
<ul style="list-style-type: none"> • A Physician's/Practitioner's Statement is required after 3 consecutive working days of sick leave. • Sick leave used for immediate family members is limited to 80 hours per calendar year. • A maximum of 3 days of sick leave may be used for each occurrence of a death in the employee's immediate family. Consists of parents, children, siblings, spouse, parents-in-law, children-in-law, grandparents, grandchildren, step-parents, step-siblings, stepchildren, foster children, individuals in an in loco parentis relationship and individuals in a legal guardianship relationship. • When witness/jury service leave or military leave is used, you must submit copies of the appropriate subpoena, summons, or military orders, according to WVMA rules and policies. • An official order from the appropriate military officer must be attached when requesting a military leave of absence without pay. 	



APPLICATION FOR LEAVE FOR FEDERAL FAMILY and MEDICAL LEAVE, STATE PARENTAL LEAVE, and/or MEDICAL LEAVE OF ABSENCE WITHOUT PAY (Note: FMLA can be paid or unpaid; Parental Leave and Medical Leave of Absence are unpaid)

EMPLOYEE NAME: WORK AND HOME TELEPHONE NUMBERS:

EMPLOYEE ADDRESS (Street Address, City, State, and Zip Code)

WORK UNIT/SECTION: DIVISION:

I AM MAKING APPLICATION FOR PARENTAL, FAMILY, and/or MEDICAL LEAVE WITHOUT PAY FOR THE FOLLOWING REASON: [checkboxes for Personal Illness, Birth of a Child, Military Caregiver, Illness of Family Member, Adoption/Foster Child Placement, Qualifying Exigency Military]

PERIOD OF LEAVE: TO BE TAKEN: FROM Date: TO Date: [checkboxes for Continuously, Intermittently*]

I AM REQUESTING THE LEAVE BE PAID AND/OR UNPAID AS FOLLOWS: [blank lines for Hours Paid (annual), Hours Paid (sick), Hours Unpaid] Appropriate, available paid sick and annual leave must be used to cover leave taken for FMLA qualifying events.

EMPLOYEE SIGNATURE: APPLICATION DATE:

[checkboxes for Approved/Disapproved] IMMEDIATE SUPERVISOR SIGNATURE: AGENCY-AUTHORIZED SIGNATURE: DATE:

* IF INTERMITTENT LEAVE IS BEING REQUESTED, PLEASE SPECIFY DATES AND TIMES:

NOTE: In addition to the leave available under the federal Family and Medical Leave (FMLA) and State Parental Leave Acts, the Division of Personnel's Administrative Rule, W. VA. CODE R. §143-1-1 et seq., also provides for leave, both paid and unpaid, if an employee meets eligibility requirements and requests the leave for a qualifying event.



West Virginia Military Authority

APPENDIX I - VEHICLE USER AGREEMENT



STATE OF WEST VIRGINIA
West Virginia Military Authority
1703 COONSKIN DRIVE
CHARLESTON, WEST VIRGINIA 25311-1085



Vehicle Use User Agreement

I, _____ (Print Name), agree to the following regarding my use of any vehicle owned by the State of West Virginia:

1. I understand that all travel will be for official State business. NO personal business or travel is authorized or permitted.
2. I will NOT use any State Vehicle for commuting to and from work.
3. I understand that seat belts will be worn at ALL times by everyone in the vehicle with me.
4. I understand I must follow all State of West Virginia and other applicable motor vehicle laws, including speed limits.
5. I understand there is to be No smoking at any time in the State vehicle.
6. I understand that alcohol or illegal drugs are prohibited AT ALL TIMES.
7. I understand that the use of wireless communication devices are prohibited while the vehicle is in motion except for when the wireless communication device is being used HANDS-FREE or if the operator fears for his or her life or safety.
8. I certify that I have a valid driver's license. _____(initial here)
9. I understand that vehicles must be locked at all times when not in use.
10. I understand that vehicle logs must be filled out when I enter/exit the vehicle. (Please fill out as soon as you get in the vehicle and once you have arrived at your destination.)
11. I will keep the vehicle clean and I will remove all of my valuables and trash from the vehicle at the completion of my trip.

(Employee Signature)

(Date)

(Supervisor Signature)

(Date)



West Virginia Military Authority

APPENDIX J - FLEET CARD USER AGREEMENT



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
FLEET MANAGEMENT OFFICE

EARL RAY TOMBLIN
GOVERNOR

ROSS TAYLOR
ACTING CABINET SECRETARY

FUEL CARD USER AGREEMENT

I, _____ (print name), agree to the following regarding my use of any State of West Virginia fuel card:

1. I understand that I will make financial commitments on behalf of my agency (entity) and the State of West Virginia. I will strive to obtain the best value for the State. I also understand that I am to take measures to protect the fuel card against loss, theft, or damage. If loss, theft, or damage occurs, I will report it immediately to my Agency Fleet Coordinator.
2. I understand that under no circumstances will I use the fuel card to make personal purchases, either for myself or for others. Willful intent to use the fuel card for personal gain will result in disciplinary action up to and including termination of employment and initiation of **mandatory criminal investigation and prosecution**. I will follow established procedures for using my fuel card, including retention of receipts for all purchases according to the Fleet Management Office Policies and Procedures Manual and my agency (entity) policy. Failure to do so may result in revocation of my use privileges or disciplinary action. Additionally, I will follow all agency (entity) and State of West Virginia purchasing requirements as they relate to the State of West Virginia fuel card.
3. I agree to cooperate with any agency (entity) or Fleet Management Office employee engaged in auditing or otherwise investigating use of the fuel card.
4. I will not reveal my Personal Identification Number (PIN), either in writing or verbally, to any other party, including other employees and merchants. I also understand that the monthly invoice from the fuel card provider will indicate my name as the responsible party if my PIN is used.
5. I received access to my agency (entity) fuel card policies and the Fleet Management Office Policies and Procedures Manual, in print or electronic form; received training on card use and policies; and understand the requirements for using the fuel card.

Employee Signature

Date Signed

Supervisor Signature

Date Signed

Print State Agency/Governmental Entity

Form: DOA-FM-031
Revised: (29 May 2012)
ENABLING STATUTE: WV Code 5A-3-48 through 5A-3-53

2101 WASHINGTON STREET, EAST • BUILDING 17 • CHARLESTON, WEST VIRGINIA 25305-0121 • (304) 558-0086 • FAX: (304) 558-4084

EQUAL OPPORTUNITY EMPLOYER