

WEST VIRGINIA MILITARY AUTHORITY
PERSONNEL POLICIES AND PROCEDURES



September 1, 2024



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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



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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, 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) 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 medical 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 and/or Director may use their 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.



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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 that is earned by an employee to be used 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.
- 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 the 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 under 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.



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- 2.16 FLSA: Fair Labor Standards Act.
- 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 for cause, disciplinary 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 Job Abandonment: The absence from work under such conditions as to be synonymous with resignation.
- 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 states 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 workload, 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 Part-time employee: Any employee working less than the full-time, but not



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less than a half time work schedule established by the Authority. Participates in PERS and is benefit eligible.

- 2.30 Physician/practitioner. – A person licensed under the laws of a state to practice medicine, or a medical practitioner approved by the Public Employees Insurance Agency.
- 2.31 Position: An authorized and identified group of duties and responsibilities assigned by the Authority requiring the full-time or part-time employment of at least one person.
- 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 of the Authority.
- 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, including job abandonment, by an employee.
- 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 day after the last working day of employment.
- 2.42 Sick Leave: An accrued benefit of paid time off for illnesses, injuries, and other health related circumstances.



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- 2.43 State service: The total eligible state employment time which may be used to determine the rate of accrual for annual leave.
- 2.44 Suspension: Action taken by an agency to temporarily relieve an employee of his or her duties. The agency may place the employee in unpaid status. There are two (2) types of suspension:
- (a) Disciplinary Suspension. – A disciplinary action for cause.
 - (b) Non-disciplinary Suspension. – An indefinite period of suspension to perform an investigation regarding an employee’s conduct which has a reasonable connection to the employee’s performance of his or her job or when the employee is the subject of an indictment or other criminal proceeding.
- 2.45 Temporary employee: A person hired in a limited-time appointment not to exceed a twelve-month period.
- 2.46 Termination: The involuntary separation of an employee from employment with the Authority.
- 2.47 Transfer: The movement of an employee by the Authority from one geographic location to another location or from one organizational unit to another unit.
- 2.48 Veteran: Any person who has been discharged or released from active-duty service in the armed forces under honorable conditions, or who has completed active duty for training for a period of more than 90 consecutive days as a member of the National Guard or Military Reserves.
- 2.49 Veterans’ Preference Points: An additional 5 points are available to those veterans who also have a current and compensable service-connected disability or who have received a Purple Heart award. To receive veterans’ preference points, separation from active duty must have been under honorable conditions. This includes honorable and general discharges. A clemency discharge does not meet the requirement of this subsection. Active duty for training in the military Reserve and National Guard programs is not considered active duty for purposes of veteran preference.



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 of 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, 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, revises, combines or abolishes a job title, the official job title plan shall be updated and communicated to the State Budget Office and the Auditor’s Office 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 approved 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. All personnel transactions with a salary of \$70,000 or more require approval from the Office of the Governor. 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 based on competitive market rates for WV. 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) 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.
 - (b) Salary merit 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. Merit increases will not exceed 10%.
- 4.4 Promotional Increase – When an employee is promoted to a job in a higher salary range the current salary shall be adjusted appropriately in the higher salary range, not to exceed 15% of the employee’s current pay rate. 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 employee below the minimum range shall be adjusted to the minimum in the new salary schedule.
- 4.6 Salary on Return from Leave of Absence – An employee returning from a



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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, then the employee will be entitled to a pay increase in accordance with the new duties.
- (b) If the employee is reassigned to a job title in the same salary range, then the duties of the job shall determine the appropriate pay rate;
- (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.

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 or his designee 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) across-the-board increases;
- (b) salary schedule changes;
- (c) promotional increases;
- (d) probationary increases; and,
- (e) demotion decreases.

4.10 Additional Pay – Except for authorized overtime, the annual increment and cooperative agreement incentives for training/continuing education, 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



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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. 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 Human Resources requesting approval. Except in emergency situations, overtime work shall not commence unless approval is received from the Human Resources Manager. 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 manager or supervisor. If an employee has sick, annual or military leave in a work week with overtime, the employee shall have the option to be paid for the leave used or return the leave to accrual balance.
- (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 employees:



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- (1) Name
- (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 work week

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.

- (a) Every eligible employee with three or more years of service shall receive an annual salary increase equal to \$60 times the employee's years of service. In each fiscal year and on or before July 31, each eligible employee shall receive an annual increment increase of \$60 for that fiscal year.
- (b) Every employee becoming newly eligible as a result of meeting the three years of service minimum requirement on July 1, in any fiscal year is entitled to the annual salary increase equal to \$60 times the employee's years of service, where he or she has not in a previous fiscal year received the benefit of an increment computation. Thereafter, the employee shall receive a single annual increment increase of \$60 for each subsequent fiscal year.
- (c) These incremental increases are in addition to any across-the-board, cost-of-living, or percentage salary increases which may be granted in any fiscal year by the Legislature.
- (d) This section shall not be construed to prohibit other pay increases based on merit, seniority, promotion, or other reason, if funds are



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available for the other pay increases: Provided, That the executive head of each spending unit shall first grant the mandated increase in compensation in this section to all eligible employees prior to the consideration of any increases based on merit, seniority, promotion, or other reason.

- (e) Employees in a negative pay status, except Military Leave Without Pay, will not receive increment until they are returned to a positive pay status.

4.14 Compensatory time –Any time a non-exempt employee works in excess of forty (40) hours in a workweek (from Friday night at midnight to 11:59 pm the following Friday), the non-exempt employee will be entitled to compensation at one and one-half times his/her normal hourly rate of pay for time worked in excess of forty (40) hours. In lieu of time and one-half pay, the Authority may opt to credit the non-exempt employee for compensatory time. Only non-exempt employees shall be entitled to earn overtime and/or compensatory time.

Compensatory time received by an employee in lieu of payment must be at the rate of not less than one and one-half hours of compensatory time for each hour of overtime work, just as the monetary rate for overtime is calculated at the rate of not less than one and one-half times the regular rate of pay. In determining whether an employee is entitled to overtime compensation, or the accumulation of compensatory time hours, only time actually worked in a workweek will be credited. Paid time not worked will not be counted as time worked for the purpose of making overtime or compensatory time calculations.

An eligible employee may accrue up to a maximum of eighty hours of compensatory time. Any such employee who has accrued eighty hours of compensatory time shall be paid overtime compensation for additional overtime hours of work. Any employee, who is presently carrying compensatory time in excess of the maximum established via this policy, shall be frozen at that level until the employee has worked down his/her compensatory time accumulation to a level below the maximum. During this period of time, such employees shall be paid for all overtime worked. Non-exempt employees who transition to an exempt position will be allowed to keep/utilize that compensatory time. However, they will not be allowed to accumulate any additional compensatory time. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid based upon the employee's regular rate of pay at the time the employee receives such payment. Compensatory time must be used within six-months from the time it was acquired.

An employee who has accrued compensatory time off authorized to be provided under this policy shall, upon resignation or termination of



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employment, be paid for the unused compensatory time at a rate of compensation not less than:

- (a) The average regular rate received by such employee during the last three years of the employee's employment; or
- (b) The final regular rate received by such employee, whichever is higher.

When an employee desires to use compensatory time, the employee must notify his/her immediate supervisor. So long as this notice is provided at least five (5) working days in advance of the intended use, the employee will be permitted to utilize the comp time unless: (1) other employees working under the same supervisor have already requested the same time off such that it would unreasonably diminish the supervisor's ability to cover the work of the department if an additional individual were to be permitted time off from work; or (2) the request to use the compensatory time would unduly disrupt the operation of the department. If an employee requests the use of compensatory time with less than the five (5) working days notice, the supervisor can, nevertheless, permit such use if doing so would not disrupt the operation of his/her department. Compensatory time may not be utilized in blocks of less than four (4) hours. When an employee earns or utilizes compensatory time, the supervisor certifying the payroll to Human Resources must create and maintain appropriate written documentation executed both by the supervisor and the employee in a manner consistent with established requirements of Human Resources.

For purposes of this policy, the terms "compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.



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, the Workforce Development Council, or any other recruitment source to advertise vacant positions and to supply applicants for vacancies as necessary.
- 5.2 Vacancy Announcements – The hiring unit shall submit a request to fill a vacancy, 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 WVMA 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; and
 - (g) full-time or part-time status.
- 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 submitted to Human Resources on or prior to the closing date listed on the vacancy announcement. Applicants must attest to the truthfulness and 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 which has a reasonable connection to the position;
- (d) has made a false statement or misrepresentation on the application;
- (e) has been previously dismissed from state service, or resigned in lieu of dismissal;
- (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 inappropriate 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



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acknowledging receipt of applications from Human Resources for employment and promotion and for scheduling interviews and post interview contact with applicant. The hiring unit 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 must interview at least ten applicants, if available. If less than 10 applicants qualify, all must be interviewed.

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 offer 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;



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- (d) a part-time appointment for employment at less than the full-time work schedule; and
- (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 final through all State levels.



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. Whenever jobs are established, combined, or abolished, affected positions shall be reassigned based on a comparison to the new or revised job descriptions.
- 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 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 workday 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.
- (f) Employees and supervisors are required to sign a timecard at the end of each pay period to verify time worked and leave used.

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.

Employees shall:

- (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



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agency policies and directives.

(b) Prohibited Conduct.

Employees shall not:

- (1) use his or her position for personal gain or benefit;
- (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) restrict an employee from joining or participating in activities of employee organizations.
- (6) 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 –Employees 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. Employees must disclose and request approval to engage in outside employment. (Note: See Appendix A Outside Employment Request). The Authority will determine if the outside employment:



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- (1) will be in conflict with interests of the agency;
 - (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.
- (e) Employees are not to interrupt the orderly conduct of business to accept or place personal telephone calls. Employees are expected to limit personal telephone calls to scheduled breaks and meal periods. However, circumstances may arise when it is necessary for an employee to make or receive a personal call during work time. Such calls should be of limited occurrence and duration and should be conducted in non-public areas. The work phone service, including mobile devices, should not be used for personal business when charges may occur.

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. It is an integral part of the examination process and the Authority shall use the probationary period for the most effective adjustment of a new employee and the elimination of those employees who do not meet the required standards of work.

- (a) Duration. The probationary period is six (6) months. The Authority may extend the probationary period up to an additional six months.
- (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



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the services of the probationary employee are to be retained. If approved by The Adjutant General, the employee shall be deemed 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 employees.
- (b) Frequency.
 - (1) All employees will receive an annual performance appraisal. Completed forms are due to Human Resources by September 1 of each year. Evaluation period is from August 1 through July 31.
 - (2) New employees should have an initial counseling to establish expectations within the first two (2) weeks of employment.
 - (3) Probationary employees shall be evaluated at least 45 days prior to the completion of the probationary period.
 - (4) 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. Documentation should be submitted for exceeds expectations and needs improvement.
- (d) Performance Expectations.
 - (1) An employee is expected to meet or exceed performance standards;
 - (2) managers and supervisors shall comply with performance



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appraisal requirements; and,

- (3) the Authority shall ensure that all performance appraisals are completed as required by these policies.

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. Follow up should be completed no later than 30 days after initial counseling. Employee must show improvement within 90 days of initial counseling or disciplinary action may result.

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.
- (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 consideration.
- (d) Political participation pertaining to constitutional amendments, referendums, approval of municipal ordinances or activities, serving as a poll clerk or worker or being a candidate for or serving as a delegate to any state or national political party convention are not prohibited by this provision.
- (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:



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- (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;
 - (d) contribute money to political organizations and attend political fundraisers; or
 - (e) work as an election poll worker.
- (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

- (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, 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 association 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.
 - (2) Clothing which reveals too much cleavage, the back, stomach or underwear is prohibited.
 - (3) Torn, dirty or frayed clothing is not permitted. Casual slacks made of cotton or synthetic materials, wool 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 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, spandex or form-fitting pants such as people wear for exercise are prohibited. Issued uniforms are to be worn, if required.
 - (4) Clothing that states or alludes to obscenity, violence, sex, or advertise alcohol, tobacco, or illegal substances are



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- prohibited; clothing with potentially offensive words, terms, logos, pictures, cartoons, or slogans are not acceptable.
- (5) 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.
 - (6) 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.
 - (7) 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.
 - (8) Jewelry should be in good taste and may be restricted according to the job duties. Visible body piercing other than earrings is not allowed.
 - (9) Hats are not appropriate in the office setting. Head covers required for religious purposes or to honor cultural traditions are permitted.
 - (10) Some employees maybe allergic to the chemicals in perfume and cologne, so these substances should be worn with restraint.
 - (11) 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 work time in this regard. Additional progressive discipline measures will be applied if dress, grooming, and personal hygiene violations continue.

7.8 Physical Training

Note: See Appendix K.



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 bypassed. 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. Previous evaluations will be reviewed before final action is determined.

A record of any disciplinary action shall be kept in the employee's official personnel record located in the Human Resources Office. Any disciplinary action that is not in the file will not be considered official and will not be used in the determination of future discipline.

8.2 Suspension

- (a) **Disciplinary Suspension.** – The Authority may suspend any employee without pay for a specified period of time for cause. Accrued leave shall not be paid to employees during the period of suspension. The employee shall be provided a written statement of the reason(s) for the suspension, the period of the suspension, and the appeal rights.
- (b) **Non-disciplinary Suspension.** – The Authority may suspend any employee with or without pay indefinitely to perform an investigation regarding an employee's conduct which has a reasonable connection to the employee's performance of his or her job or when the employee is the subject of an indictment or other criminal proceeding. Such suspensions are not considered disciplinary in nature and an employee may choose to use accrued



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annual leave during the period of non-disciplinary suspension but is not eligible for any other leave afforded in this policy. The Authority shall give the employee oral notice confirmed in writing within three (3) working days, or written notice of the specific reason or reasons for the suspension.

- (c) Upon completion of the investigation of criminal proceeding, the Authority shall:
 - (1) initiate appropriate disciplinary action as provided in this policy; and, unless the employee is dismissed or otherwise separates from employment prior to completion of the investigation or criminal proceeding, provide retroactive wages or restore annual leave for the period of suspension; provided, that such retroactive wages may be mitigated by other earnings received during the period of suspension. Further, the Authority and employee may agree to consider all or part of the period of unpaid suspension pending investigation or criminal indictment or proceeding as fulfilling the period of any disciplinary suspension without pay.

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 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. When a verbal resignation is submitted, the employee will receive a confirmation acceptance letter.
- 9.3 Employees informed of contemplated dismissal who choose to resign prior to issuance of formal notice or employees permitted to resign through settlement after being dismissed are considered to have not separated in good standing, and the employee is ineligible for reinstatement and may be disqualified from employment with the Authority. Provided, that employees resigning in lieu of dismissal for failure to return to work from medical leave of absence without pay, maintain required licensure, or meet probationary performance expectations shall not be disqualified from future employment.
- 9.4 Retirement – An employee can submit retirement notification to the Consolidated Public Retirement Board (PERS) no more than 1 year prior to intended retirement date. Employee shall also notify Human Recourses of his or her intent to retire.
- 9.5 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 unit(s) affected by they layoff; and
 - (3) a list of employees in each job title affected by the layoff in order of retention.



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- (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; and
 - (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.
 - (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.
- 9.6 Budget Constraints – Due to budget constraints selected employees may be asked to work part-time.
- 9.7 Out Processing Procedures for departing Authority employees. Note: See Appendix E 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, per WV Code §15-1J-4.

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 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) disciplinary 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.

(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.



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- (e) Forms. The Authority shall make available necessary grievance forms and other information to all employees. Note: See Appendix F.
- (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 grievance 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.

10.3 Grievance Steps

- (a) Level 1.

The grievance must be submitted to the Human Resources office 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 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. Human Resources shall first make a determination as to whether the grievance issue(s) meets the definition of grievance provided in subsection 10.2(b).

If it's determined that the issue is not 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 unit supervisor shall conduct the Level 1 conference. The employee and the



Authority shall be given full opportunity to present evidence on the merits of the grievance. The Level 1 conference shall be held at the employee's work location or at a location convenient for all parties within ten (10) working days of the determination by Human Resources that the issue is grievable, excluding holidays. If the action or event which is the basis for the grievance involved the unit supervisor, 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 determination of the Level 1 conference shall be reported to the grievant and Human Resources within ten (10) working days after the Level 1 conference.

(b) Level 2.

If the matter is not resolved to the employee's satisfaction at the Level 1 conference, then the employee may request that the grievance be heard by the next level supervisor in the official chain of command. Within ten (10) working days of the Level 1 determination, the employee must submit the written grievance to the next level supervisor and request to refer the grievance to Level 2.

The supervisor shall conduct the Level 2 conference within ten (10) working day, excluding holidays, following receipt of the request for referral to Level 2. The employee and the Authority shall be given full opportunity to present evidence on the merits of the grievance. Within ten (10) working days of the Level 2 conference, the supervisor shall issue a decision in writing. The employee shall be notified of the decision in writing.

After Level 2 decision has been rendered, the supervisor shall submit a copy of the grievance decision, investigation reports and any other related documents to the Director.

(c) Level 3.

If the employee disagrees with the Level 2 decision, then he or she may submit the grievance to the WVMA General Counsel within ten (10) working days of the receipt of the Level 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 grievance, the WVMA General Counsel shall submit a recommended decision to The Adjutant General for



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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.



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SECTION 11 ATTENDANCE AND LEAVE. In compliance with W.Va. Code §21-5C-1 et seq. and §2-2-1 et seq., the following provisions shall apply to employees.

- 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 H.

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

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



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cessation of business. Provided that an election held on a Saturday is not an official holiday as provided in this subsection.

- (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 operation-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) Part-time employees are entitled to receive payment for holidays in proportion to the amount of time worked as compared to the employer's standard workweek.
- (g) 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:



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Years of Service	Accrual Rate in Pay Period (Equal to)		Carry Forward Rate (Hours Equal to)
	Hours/Mins	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

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. When requesting use of annual leave, an employee must notify his/her supervisor in a timely manner. For the sake of clarity, the notice should be, at a minimum, equal to the amount of annual leave which the employee is requesting. For instance, use of one week of annual leave would require notice of at least one week in advance. 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.



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- (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 two weeks 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 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.



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- (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.

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



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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 – Consult the Consolidated Public Retirement Board for options.
 - (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:
 - (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 bereavement leave shall be granted for the death of an immediate family member of the employee. (Note: bereavement leave used is deducted from the employee's accrued sick leave balance)
 - (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 leave including reasonable travel time. Not to exceed a total of (4) four 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 family sick leave. (Note: family sick leave used is deducted from the employee's accrued 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 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



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

The Authority may require an employee to return at less than full duty or to transitional duties where the absence is due to a personal injury received in the course of and resulting from covered employment with the Authority in accordance with W. Va. Code § 23-4-1 et seq. and a physician/practitioner has released the employee to perform such work.

The Authority may deny a request to return or continue to work at less than full duty or with restrictions under conditions including, but not limited to, the following:

- (1) the employee cannot perform the essential duties of the position with or without accommodation;
- (2) the nature of the duties may aggravate the employee's medical condition;
- (3) a significant risk of substantial harm to the health or safety of the employee or others cannot be eliminated or reduced by reasonable accommodation; or,
- (4) approval of the request would seriously impair the conduct of the Authority's business.



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- (5) 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.

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

- (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.
- (j) Compensatory time received by an employee in lieu of cash must be at the rate of not less than one and one-half hours of compensatory time for each hour of overtime work, just as the monetary rate for overtime is calculated at the rate of not less than one and one-half times the regular rate of pay. The FLSA requires an agreement or understanding between the employer and employee prior to the performance of work. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local government employees may accrue up to 240 hours. Compensatory time should be paid out upon separation from employment.

- 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, for



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example, verification of an illness of less than three (3) consecutive scheduled work days or scheduled shifts. Misuse of leave may include, but is not limited to, frequent use of sick leave rendering the employee's services undependable, requesting sick leave for days when annual leave was previously denied, and requesting unplanned leave in connection with scheduled days off. The Authority shall give the employee prior written notice of the requirement for appropriate substantiation. 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 specific period of time which normally should not exceed one (1) 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:

(a) The employee has worked or been on approved leave with or without pay for military service or leave without pay while receiving workers' compensation temporary total disability benefits for at least 1,040 hours, or fifty (50) percent of the normal work schedule for part-time permanent employees, during the twelve-month period immediately preceding the beginning of the leave;

(b) The employee 1) has exhausted all sick leave and makes



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- 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 and 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;
- (c) 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;
 - (d) A physician's statement is submitted each time the employee's condition is reevaluated to confirm the necessity for continued leave; and,
 - (e) The disability, as verified by a physician/practitioner, 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)
- (b) of these Policies and Procedures.
- (3) The twelve-month period shall be calculated based upon a rolling twelve-month period measured backward from the date of leave use. The amount of leave available during the twelve-month period shall be based upon the equivalent number of hours the employee is normally scheduled to work during a six-month period. Such leave runs concurrently with FMLA and may only be taken intermittently when running concurrently with FMLA leave.
- (4) Exceptions. -- Employees, including probationary employees, shall be granted and will remain on medical leave of absence without pay while receiving workers' compensation temporary total disability benefits as a result of a personal injury or illness received in the course of and resulting from covered employment with the Authority in



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accordance with W. Va. Code § 23-4-1.

(d) End of Leave

- (1) At the expiration of the leave of absence without pay, the employee shall return 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 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 11.4(g).
- (3) Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance to and approved by the Authority, is cause for dismissal. An employee dismissed for failure to return from leave of absence without pay is not eligible for severance pay.

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 related 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 be employed



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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:
 - (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



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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 (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



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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 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.
 - (1) 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 be provided 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 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 and officer or employee is eligible under 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 subdivision of this subsection only in the year he or she is called to active duty, and, in subsequent years,



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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 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 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 in cases where the employee or a member of his or her immediate family is a plaintiff, defendant or other interested party or has a personal, financial, or vested interest in the case or proceeding or when the hours spent in compliance to a subpoena to serve on a jury or appear as a witness are outside the employee's scheduled workday. This subdivision shall not be construed to:
 - (1) deprive, prohibit, or infringe upon the rights of any employee who is a party to, or a witness in, a grievance proceeding or a court of law proceeding resulting from the course of his or her employment with the Authority; or,
 - (2) deprive, prohibit, or infringe upon the rights of any employee in his or her pursuit of personal legal matters or civic responsibilities while on annual leave or a personal leave of absence.
- (b) The employee shall furnish written confirmation of jury duty or other court directive as the Authority may require.
- (c) When an employee is to report to or is released from service prior to the beginning or end of the workday, and there is more than one (1) hour remaining in the employee's scheduled work shift after allowing for reasonable return travel time, the employee shall report or return to work or request approval for annual leave.

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,



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- (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.

11.12 Donated Leave Policy

Note: See Appendix G 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 the Fleet Manager. See Appendices I and J.



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 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 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.” Prior to any testing, the supervisor of the employee under suspicion of drug use must notify the Director of such suspicion and the Director will make a decision as to whether or not reasonable suspicion exists sufficient to require drug testing. 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 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.



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- 13.5 As a condition of employment all employees will:
- (a) Abide by the terms of this policy statement;
 - (b) Notify 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 that 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; and
- (e) Possession of a weapon while on Authority property or while



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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.

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 an 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.



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- 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.
- 14.7 Employee injury or death –Supervisors shall promptly report all injuries and work-related fatalities to the Director of The Authority. The Director shall notify the West Virginia Division of Labor within eight hours of the occurrence of; i) any workplace fatality; ii) or any single accident which requires emergency room treatment or the hospitalization of three (3) or more employees.



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.



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- (e) Equal Employment Opportunity (EEO) Coordinator/Counselor: The agency employee selected by an appointing authority to advise employees 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;



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- (2) Submission to or rejection of such conduct is used as the basis for personnel actions affecting an employee; or,
 - (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.



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- 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.
- 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:



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- (a) Sexually explicit or implicit propositions;
- (b) Improper questions about an employee's private life;
- (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 corrective action when an employee provides notice of nondiscriminatory workplace harassment that has subsequently created a hostile work environment for the employee.

15.9 Nondiscriminatory Hostile Workplace Harassment consists of unreasonable or outrageous behavior that deliberately causes extreme physical and/or emotional distress. Such conduct involves the repeated unwelcome mistreatment of one or more employees often involving a combination of intimidation, humiliation, and sabotage of performance which may include, but is not limited to:

- (a) Unwarranted constant and destructive criticism;
- (b) Singling out and isolating, ignoring, ostracizing, etc.;
- (c) Persistently demeaning, patronizing, belittling, and ridiculing; and/or,



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- (d) Threatening, shouting at, and humiliating particularly in front of others.

15.10 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, 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.

15.11 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).

15.12 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.



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- (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, 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.

15.13 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).



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- (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.
- (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.



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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

Director's Decision

Approved Denied _____
WVMA Director _____
Date



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APPENDIX B - EMPLOYEE PERFORMANCE REVIEW



Use this form for initial planning sessions, coaching, or when responsibilities, standards, or expectations must change.

EMPLOYEE INFORMATION				
Employee Name:		Social Security Number: (last 4 digits – to be completed by the employee)		
Position Title:		Supervisor's Name and Title:		
Department:				
Agency:				
Division (and Section):				
Rating Period:		Type of Rating		Time in Present Position (in months)
to		<input type="checkbox"/> Initial <input type="checkbox"/> Coaching <input type="checkbox"/> Special		

RESPONSIBILITIES: Essential duties and responsibilities as identified in the functional job description.

PERFORMANCE STANDARDS and EXPECTATIONS: Objectives to be accomplished during this rating period.

ACKNOWLEDGEMENT: A discussion of duties, responsibilities, performance standards, and expectations for the current period took place on the date below. We acknowledge our understanding of these items and how they will be used to measure work-related performance during this period.

Supervisor's Signature	Date
Employee's Signature	Date



Use this form for interim or quarterly review.

EMPLOYEE INFORMATION		
Employee Name:	Social Security Number: (last 4 digits – to be completed by the employee)	
Position Title:	Supervisor's Name and Title:	
Department:		
Agency:		
Division (and Section):		
Rating Period: to	Type of Rating <input type="checkbox"/> Interim <input type="checkbox"/> Quarterly	Time in Present Position (in months)

PROGRESS EVALUATION (Clearly mark the area which most adequately describes the level of work performance achieved to this time): Below is an assessment of your progress and degree of achievement toward meeting the established performance expectations that are state in your Employee Performance Appraisal Form. These expectations were discussed with you at the beginning of this rating period.

<input type="checkbox"/> GOOD; MEETS EXPECTATIONS	Performance results show consistent achievement toward meeting the established performance expectations.
<input type="checkbox"/> FAIR, BUT NEEDS IMPROVEMENT	Performance results show inconsistent achievement of job and position objectives; performance improvement needed.
<input type="checkbox"/> DOES NOT MEET EXPECTATIONS	Performance results show deficiencies which seriously interfere with the attainment of job and performance expectations.

PERFORMANCE DEVELOPMENT NEEDS: Describe specific areas that need improvement, keeping in mind established performance expectations, critical success factors, and performance elements.

GENERAL COMMENTS:

ACKNOWLEDGEMENT:

Supervisor's Signature	Employee's Signature
Date	Date



Use this form for employee annual review. See instructions on the previous page.

EMPLOYEE INFORMATION

Employee Name: <input type="text"/>		Social Security Number: <input type="text"/>
		(last 4 digits – to be completed by the employee)
Position Title: <input type="text"/>	Supervisor's Name and Title: <input type="text"/>	
Department: <input type="text"/>		
Agency: <input type="text"/>		
Division (and Section): <input type="text"/>		
Rating Period: <input type="text"/> to <input type="text"/>	Type of Rating <input type="checkbox"/> Annual	Time in Present Position (in months) <input type="text"/>

RESPONSIBILITIES: Essential duties and responsibilities as identified in the functional job description.

PERFORMANCE STANDARDS and EXPECTATIONS: Objectives to be accomplished during this rating period.

ACKNOWLEDGEMENT: A discussion of duties, responsibilities, performance standards, and expectations for the current period took place on (date from EPA-1 Form). We acknowledge our understanding of these items and how they will be used to measure work-related performance during this period.

_____ Supervisor's Signature	_____ Date	_____ Employee's Signature	_____ Date
---------------------------------	---------------	-------------------------------	---------------

PERFORMANCE FACTORS and STANDARDS Check the rating for each appropriate category	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS
MAINTAINS FLEXIBILITY			
Willingly accepts a variety of responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adapts to new situations in a positive manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Displays openness to learning and applying new skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Works well with others to achieve organization's goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is resourceful and generally seeks work process improvements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
DEMONSTRATES CREDIBILITY			
Shares information with others when appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acts independently while keeping supervisor informed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performs work according to current guidelines and directives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintains personal appearance appropriate to job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exhibits ability to secure and evaluate facts before taking action	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
CUSTOMER SERVICE			
Treats all customers with respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Responds to customers' needs within appropriate timeframes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Addresses conflicts and problem situations with patience and tact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			

PERFORMANCE FACTORS and STANDARDS Check the rating for each appropriate category	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS
QUANTITY OF WORK			
Work output matches expectations established	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee completes all assignments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee consistently meets deadlines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
QUALITY OF WORK			
Work results satisfy organization's goals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work is organized and presented professionally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work product is thorough and complete	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work product is free of flaws and errors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
AVAILABILITY FOR WORK			
Employee's attendance supports the expected level of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee's presence can be relied upon for planning purposes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee is a dependable team member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			

Proceed to Page 4 to continue rating if employee is also a supervisor or manager; proceed to Page 5 if employee is not a supervisor or manager.

THIS PAGE IS FOR RATING SUPERVISORS AND MANAGERS ONLY: In addition to the 23 performance elements for all employees, supervisors and managers shall be rated on the following critical success factors: Leadership, Management, and Work Environment. Check the appropriate box for each of the 14 performance elements.

PERFORMANCE FACTORS and STANDARDS Check the rating for each appropriate category	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS
LEADERSHIP			
Provides clear direction and purpose	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Models ethical workplace behavior	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demonstrates influencing skills by setting goals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Empowers subordinates to achieve objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acts to motivate, coach, and develop subordinates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
MANAGEMENT			
Organizes and distributes work among subordinates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secures resources and audits their effective use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communicates behavioral expectations and performance standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monitors, documents, and evaluates employee conduct and performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provides appropriate and timely feedback	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			
WORK ENVIRONMENT			
Maintains a safe and healthy workplace	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Builds a team that reflects high morale, clear focus, and group identity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encourages and provides opportunities for subordinates to obtain and apply new skills and knowledge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promotes equal opportunity and protects the rights of all employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS:			

RATING SCORE SHEET FOR DOP FORM EPA-3

Enter the total number of checks in each rating category, then multiply by the assigned value.

RATING CATEGORIES	COUNT	MULTIPLIER	CATEGORY TOTALS
Exceeds Expectations	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/> X 3 =	<input style="width: 50px;" type="text"/>
Meets Expectations	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/> X 2 =	<input style="width: 50px;" type="text"/>
Needs Improvement	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/> X 1 =	<input style="width: 50px;" type="text"/>
TOTAL ELEMENTS RATED	<input style="width: 50px;" type="text"/>	TOTAL VALUE =	<input style="width: 50px;" type="text"/>

To compute the rating score, divide the total value by the total number of elements rated* to find the overall rating score. Make certain to carry out your calculation to two decimal places. EXAMPLE: $44 \div 23 = 1.91$

*37 for a supervisor or manager; 23 for a non-supervisory/non-managerial employee

RATING SCORE			
TOTAL VALUE ÷ TOTAL ELEMENTS	<input style="width: 50px;" type="text"/>	÷	<input style="width: 50px;" type="text"/> = <input style="width: 50px;" type="text"/>

Once the rating score is determined, enter it below as the Overall Rating Score. Find the corresponding alpha score on the key below and enter it in the Alpha Score column.

KEY	NUMERIC SCORE		ALPHA SCORE
	Rating of 1.00 to 1.50		Needs Improvement
	Rating of 1.51 to 2.50		Meets Expectations
	Rating of 2.51 to 3.00		Exceeds Expectations
SUMMARY	OVERALL SCORE		ALPHA SCORE
	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 50px;" type="text"/>

SUMMARY COMMENTS (to be completed by the supervisor or rater)

IMPROVEMENT and/or DEVELOPMENT PLAN (to be completed by the supervisor or rater)

REVIEWING MANAGER'S INITIALS	DATE
-------------------------------------	-------------

EMPLOYEE RESPONSE (to be completed by the employee)

EMPLOYEE CERTIFICATION

I certify that I have reviewed this Performance Appraisal Form. My signature below implies my acknowledgement of this review, and does not imply my agreement or my disagreement with the form's contents.

Supervisor's Signature

Date

Employee's Signature

Date

Reviewing Manager's Signature

Date



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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



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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 PERSON ADMINISTERING POLICY INFORMATION

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

Witness Name (Print)

Witness Signature

Date



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APPENDIX E - OUT PROCESSING GUIDE AND CHECKLIST



OUT-PROCESSING FOR INDIVIDUALS: SUPERVISOR PROCEDURES

Procedures for the Supervisor

When an individual separates from the Military Authority, there are certain procedures that must be completed by both the supervisor and the individual. Please follow these guidelines to ensure compliance with policies.

In addition to using this checklist for separations from the Military Authority, supervisors are encouraged to use this Out-Processing Checklist for items that also apply to internal transfers from one Military Authority department to another. See items indicated with *Internal Transfer*.

Upon Notification of Upcoming Separation:

1. In cases of resignation, please obtain a letter of resignation from the individual. This letter must state the individual's last day of employment and the reason for the resignation. If retiring, letter must include how unused leave will be used.
2. Ensure that the Office of Human Resources is notified immediately (via phone call or email – contact 304-561-6314 or deborah.s.taylor28.nfg@mail.mil) upon receipt of the resignation letter. The letter of resignation must be forwarded to the Office of Human Resources. (Form 11 from supervisor not required)
3. Give the individual a copy of the Out-processing of Individuals: Individual Separation Checklist (Checklist).
4. Prior to the date of the individual's departure from the Military Authority, the supervisor will meet with the individual to discuss and complete the Checklist, outlining the individual's obligations before leaving the Military Authority.

Please consult with the Office of Human Resources before separating an individual for cause. All involuntary separations must be authorized by the Adjutant General.

5. Take some time to meet with the individual and get feedback about his/her work experience at Military Authority. This may provide you with useful information for future individuals.
6. Ask the individual to contact the Office of Human Resources to schedule an opportunity to complete an exit interview.
7. Once all obligations have been satisfied, both the supervisor and the individual must sign the Out-processing of Individuals: Individual Separation Checklist. The supervisor must send the original document to the Office of Human Resources within 24 hours of the individual's departure from the Military Authority; the supervisor must keep a copy of this document.



OUT-PROCESSING OF INDIVIDUALS: INDIVIDUAL SEPARATION CHECKLIST

Send the completed checklist to the Office of Human Resources within 24 hours after the individual's last day of employment.

I. Individual Information

Individual's Name: _____ OASIS ID: _____
 Supervisor: _____ Department: _____
 Last Date at Work Location: _____ Category: Pick one...
 Army.mil Email: _____ Personal Email Address: _____

II. Out-processing Checklist

Item to collect, discuss, or remove access: Assess all items for individuals who are separating from the Military Authority; assess only items marked Internal Transfer for individuals who are transferring from one Military Authority department to another.			Supervisor's initials: (Initials or N/A required for each item)	Date:	Contact for more information:
Resignation Letter:		In cases of resignation, please obtain a letter of resignation from the individual. This letter must state the individual's last day of employment and the reason for the resignation. If retiring, letter must include how unused leave will be used.			HR/Payroll – x6314
Resignation Letter:		Resignation letter sent to HR/Payroll.			HR/Payroll – x6314
Final Timesheet Approval:	Internal Transfer	Individual's final timesheet (if appropriate) is approved in Kronos; contact Payroll if there are questions.			HR/Payroll – x6747
Benefits:		An Individual with State benefits has been instructed to contact the Benefits' Coordinator.			Benefits Coordinator x6304
P Card:	Internal Transfer	Turn in a P Card to Finance. (If applicable).			Finance- x6303
Voice Mail Password:	Internal Transfer	Have the individual share his / her Voice Mail Password with the Supervisor.			Supervisor
Equipment/ Cell Phone/ Computer/iPad/ Radio/etc.:	Internal Transfer	Return any Military Authority property to the appropriate office.			Supervisor
Manuals/Books:		Any Military Authority owned manuals or books must be returned.			Supervisor
Keys/ Proximity Cards:	Internal Transfer	The Individual must turn in all Military Authority keys/proximity card to supervisor or Construction & Facilities Management Office representative.			Supervisor or x6453
ID Card:		The Supervisor must collect the individual's CAC card and send it to the ID Card Section. Notify J-2 of employment status.			Supervisor J-2- x6610
Address:		The individual must provide a forwarding address to the Payroll/ HR.			HR/Payroll x6313
Uniforms:	Internal Transfer	Uniforms that were issued to the individual must be returned.			Supervisor

Please contact the Human Resources if you have any questions (304-561-6313).

Exit Interview:		The Office of Human Resources will contact the individual to schedule an Exit Interview.			HR/Payroll – x6313
Interview with Supervisor:	Internal Transfer	The individual is encouraged to take some time to give feedback to his / her supervisor about the work experiences at the Military Authority. This provides useful information for the supervisor and the Military Authority on what improvements can be made in the future.			Supervisor
System / Email Accounts:	Internal Transfer for specific system access	Access to electronic accounts is terminated within 24 hours of the individual's departure.			Help Desk – x6600 HR- x6313
Base Access:		Notify security of employment status.			304-341-6227

III. Individual / Supervisor Signatures

Individual Signature

Date

Supervisor Signature

Date

Signatures above certify completion of all out-processing procedures/notifications required by the Office of Human Resources. Return this form to the Office of Human Resources no later than 24 hours after the individual's last day at the Military Authority.



West Virginia Military Authority

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: _____



West Virginia Military Authority

APPENDIX G - LEAVE DONATION PROGRAM GUIDELINES

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.

<p>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:</p> <p style="text-align: center;">1. (date)</p> <p>2. Amount: a. Personal Services: _____ b. FICA: _____</p> <p>3. FIMS Account Information: a. Personal Services: _____ b. FICA: _____</p> <p> FIMS Transaction Number: a. Personal Services: _____ b. FICA: _____</p>	
4. Contact Person:	5. Phone:

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

<p>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.</p>	
2. Contact Person:	3. Phone:

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.		
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> QUESTIONS? Please call the person named in item 7 below. </div>	3a. REASON:	
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:

[YOUR AGENCY'S LETTERHEAD]

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



APPLICATION TO RECEIVE DONATED LEAVE

PLEASE PRINT OR TYPE

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

Name:		Social Security Number:	
Agency:		Work Phone:	Home Phone:
Section (and Unit if applicable):			
Reason for Request: <input type="checkbox"/> Employee’s Personal Medical Condition <input type="checkbox"/> Immediate Family Member’s Medical Condition Relationship:		The reason for the request must be verified by the physician or medical practitioner treating the individual with the medical condition. The physician or medical practitioner must provide all of the information requested on the back of this form (PART III), and he/she must sign and date the form.	
In applying for leave donations, I agree to have the following information published:			
<ul style="list-style-type: none"> • My Name • The agency for which I work 		<ul style="list-style-type: none"> • My last day at work • The date my available leave was/will be exhausted • The reason for my absence • The expected duration of my absence 	
Signature		Date:	
Completed by: <input type="checkbox"/> Applicant <input type="checkbox"/> Designee (specify):			
OPTIONAL - To be completed ONLY by the applicant: As part of my application for leave donations, I further request that you also publish the following information regarding my medical emergency, exactly as I have written it in the space below:			
Signature		Date:	

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

1. Does the applicant receive annual and sick leave as a benefit of employment?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
2. For this absence: Is the applicant receiving/eligible to receive Workers’s Compensation benefits, or is he/she receiving Social Security Disability benefits?		<input type="checkbox"/> YES	<input type="checkbox"/> NO
3. The applicant’s available leave for this absence was/will be exhausted on:		Date:	
4. The applicant, according to the information provided in PART III of this form, is expected to be absent from work through:		Date:	
5. This leave of absence is for the following reason:		<input type="checkbox"/> Medical Condition: Employee <input type="checkbox"/> Medical Condition: Immediate Family Member	
6. The applicant’s eligibility determination is:		<input type="checkbox"/> ELIGIBLE <input type="checkbox"/> NOT ELIGIBLE: explain below	
7. FIMS account information for recipient:			
8. Certified by:		10. Phone:	
9. Title:		11. Date:	



West Virginia Military Authority

APPENDIX H - LEAVE FORMS



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:	
<input type="checkbox"/> Personal Illness	<input type="checkbox"/> Illness of Family Member - Specify Member: _____
<input type="checkbox"/> Birth of a Child	<input type="checkbox"/> Adoption/Foster Child Placement
<input type="checkbox"/> Military Caregiver	<input type="checkbox"/> Qualifying Exigency Military

PERIOD OF LEAVE:	TO BE TAKEN:
FROM Date: _____ A.M. P.M.	<input type="checkbox"/> Continuously
TO Date: _____ A.M. P.M.	<input type="checkbox"/> Intermittently*

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

EMPLOYEE SIGNATURE:	APPLICATION DATE:
----------------------------	--------------------------

<input type="checkbox"/> Approved IMMEDIATE SUPERVISOR SIGNATURE:	<input type="checkbox"/> Approved AGENCY-AUTHORIZED SIGNATURE:
<input type="checkbox"/> Disapproved	<input type="checkbox"/> Disapproved
DATE:	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. If the leave qualifies under both the federal and State law, and/or the *Administrative Rule*, the leave entitlement under each will exhaust concurrently. A completed and current DOP-L3, DOP-L5, DOP-L6, DOP-L7, or DOP-L8 certification, as applicable, must be included with this application or be on file. Form DOP-L7 or DOP-L8, as applicable, is required when requesting Military FMLA leave.

**WEST VIRGINIA MILITARY AUTHORITY
FEDERAL FAMILY and MEDICAL LEAVE ACT (FMLA)**

Notice of Eligibility and Rights & Responsibilities

In general, to be eligible for federal Family and Medical Leave Act (FMLA) leave, an employee must have worked for an employer for at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. **The employer must provide the employee with this information within five (5) business days of the employee notifying the employer of the need for FMLA leave.**

Part B provides employees with information regarding their rights and responsibilities for taking FMLA and/or PLA leave.

Part A – NOTICE OF ELIGIBILITY

TO: _____
_____ Employee

FROM: _____
Employer Representative

DATE: _____

On _____, you informed us that you needed leave beginning on _____ for:

_____ The birth of a child, or placement of a child with you for adoption or foster care;

_____ Your own serious health condition;

_____ Because you are needed to care for your _____ spouse; _____ child; _____ parent; _____ dependent [PLA] due to his or her serious health condition.

_____ Because of a qualifying exigency arising out of the fact that your _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

_____ Because you are the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered servicemember with a serious injury or illness.

This Notice is to inform you that you:

_____ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

_____ Are not eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

_____ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.

_____ You have not met the FMLA's 1,250-hours-worked requirement.

_____ Other (Explain): _____

If you have any questions, contact _____

PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE

As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

_____ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request ___ is/ ___ is not enclosed.

_____ Sufficient documentation to establish the required relationship between you and your family member.

_____ Other information needed: _____

_____ No additional information requested

If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):

_____ Contact _____ at _____
to make arrangements to continue to make premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

_____ You will be required to use your available _____ paid, _____ sick, _____ annual, and/or _____ compensatory time during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your leave entitlement.

_____ Due to your status within the company, you are considered a “key employee” as defined in the FMLA. As a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We _____ have/_____ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

_____ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____. (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on the reverse side of this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:

- You have a right for up to 12 weeks of unpaid leave in a 12-month period calculated as:
 - _____ the calendar year (January – December).
 - _____ a fixed leave year based on _____.
 - _____ the 12-month period measured forward from the date of your first leave usage.
 - _____ a “rolling” 12-month period measured backward from the date of any leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.

- Your health benefits under the FMLA must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights.)
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your FMLA leave entitlement, you have the right to have ___ sick, ___ vacation, and/or ___ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

_____ For a copy of conditions applicable to sick/vacation/other leave usage please refer to

_____ available at: _____.

_____ Applicable conditions for use of paid leave: _____

Once we obtain the information from you as specified above, we will inform you, within five (5) business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, please do not hesitate to contact:

_____ at _____.

AGENCY-AUTHORIZED SIGNATURE: _____ DATE: _____

**WEST VIRGINIA MILITARY AUTHORITY
FEDERAL FAMILY and MEDICAL LEAVE ACT (FMLA)**

Certification of Health Care Provider for Family Member's Serious Health Condition

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The federal Family and Medical Leave Act (FMLA) provide that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. §1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his or her medical provider. The FMLA permit an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your leave request. Your employer must give you at least 15 calendar days to return this form to your employer.

Your name: _____

First Middle Last

Name of family member for whom you will provide care: _____

First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Employee Signature

Date

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 4 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider’s name and business address: _____
Type of practice / Medical specialty: _____
Telephone: () _____ Fax:() _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition (required): _____

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ___ No ___ Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Will the patient need to have treatment visits at least twice per year due to the condition?
___ No ___ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ___ No ___ Yes.

Estimate the beginning and ending dates for the period of incapacity:

FROM: _____ TO: _____ (required)

During this time, will the patient need care? ___ No ___ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ___ No ___ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary:

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? ___ No ___ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

___ hour(s) per day; ___ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary:



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**

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

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EQUAL OPPORTUNITY EMPLOYER



West Virginia Military Authority

APPENDIX K - USE OF OFFICIAL TIME FOR VOLUNTARY PHYSICAL
TRAINING (PT) ACTIVITIES



STATE OF WEST VIRGINIA
MILITARY AUTHORITY
1703 COONSKIN DRIVE
CHARLESTON, WEST VIRGINIA 25311-1085

July 1, 2024

MEMORANDUM FOR: All WV Military Authority Employees and Supervisors

SUBJECT: Use of Official Time for Voluntary Physical Training (PT) Activities

1. This policy is applicable to all permanent employees of the WV Military Authority.
2. Goals: The goals of the WVMA's voluntary physical training program are to:
 - a. Promote good health and encourage employees to exercise regularly, thereby, producing a healthier, happier workforce;
 - b. Encourage regular physical fitness activities for our employees.
 - c. Decrease the use of sick leave; and
 - d. Improve individual and group productivity.
3. Guidelines: All employees will be provided an opportunity to further their physical fitness during duty hours under the conditions prescribed in this memorandum. Program guidelines are as follows:
 - a. Participation must be voluntary and approved by the supervisor. No employee will be required to participate in a fitness program, nor will any reprisals be taken against an employee for participation or non-participation.
 - b. Mission requirements/accomplishment will always be the prime consideration when participating in the PT program. The mission of the WVMA continues to have priority over any PT exercise scheduled. Supervisors may temporarily suspend exercise schedules to accommodate any conflicting mission requirements.
 - c. The maximum amount of time allocated for physical fitness will not exceed three one-hour periods per week for non-military members and five one-hour periods per week for active military members. In no instance will anyone be granted more than one hour per day of work time for a personal fitness program, Additional time is not allowed for activities such as changing clothes, warm-ups, cool-down, showers, and travel to/from the worksite. The time authorized for PT begins when the employee begins preparation for PT and ends when the employee returns to the worksite. Time for any "missed" periods will not be cumulative and rolled over to the next week.



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d. Time allocated for physical fitness of part-time employees shall be granted in proportion to hours worked.

e. Temporary employees are not eligible to participate in the physical training program.

f. Official exercise activity must be conducted during each employees scheduled duty hours. All exercise activities must begin and end at the employee's worksite.

g. Typical PT programs which are aerobic in nature and will achieve the desired results include running, rapid walking, bicycling, treadmills, stair climbers, or aerobic classes and strength/toning activities such as resistance training and weightlifting. When choosing PT activities, employees must carefully consider the terrain, traffic, and safety when selecting their routes. Safety must be a primary consideration when participating in any PT program and each employee must be knowledgeable of his/her individual health and physical limitations.

Employees may participate in the following activities as a part of the PT Program:

- Running/Walking
- Push-ups/Sit-ups and any similar exercises intended to improve muscle tone, strength, muscular and cardiovascular endurance
- Aerobics and other similar activities
- Bicycling/Spinning
- Weight lifting

h. Contact sports, such as Martial Arts and Kickboxing, are NOT permitted in this program. The risk of incidental injury from competitive contact outweighs any health benefit which may be derived. Requests for exceptions will be considered on a case by case basis by Human Resources and require Director approval.

i. As a general rule, team sports are prohibited. Group competition encourages participants to push performance beyond their level of conditioning, endurance, and state of health. The activities listed below are considered team sports and are thereby prohibited:

- Volleyball
- Basketball
- Football
- Soccer
- Baseball/Softball

Requests for exceptions will be considered on a case-by-case basis by Human Resources and require Director approval.



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j. All employees participating in the physical fitness program will sign out at the beginning of the exercise period and sign back in at the end of the fitness period. This means that you must be at the worksite during your normal duty hours to sign in and return back to the worksite at the completion of the PT exercise (again during normal duty hours) to sign back in. You cannot sign out to do PT for the last work hour of the day and sign back in the following workday. Remember, you must sign back in at the worksite at the completion of the PT. The sign out sheet is enclosed and will be maintained at the employee's worksite for a period of two years.

k. All PT schedules must be approved by the supervisor prior to the employee's participation. Supervisors have the authority and the responsibility to cancel an approved physical training request based on current mission requirements or workload.

l. Employees are authorized to use commercial or public facilities at their own expense (base gyms, health clubs, etc.) with the approval of their immediate supervisor. Commuting time will not exceed 10 minutes from their assigned worksite. Use of state or government vehicles to travel to a commercial or public site is not authorized. Employees are not authorized to perform PT at a private residence during normal duty hours.

m. Compliance with this policy is mandatory to ensure coverage under the workers compensation program. Noncompliance with this policy may affect an employee's claim in the case of an injury. Injuries which occur during non-duty time, to include lunch periods, may not be covered by workers compensation.

4. Employees are to use approved PT time exclusively for physical training activities, and only for such activities that have been authorized and approved. Supervisors will monitor the employee's compliance with this policy. Abusers of this program may cause the privilege to be revoked and could also be subject to disciplinary/adverse action. Supervisors who do not enforce the requirements in this policy are also subject to disciplinary or adverse action. Supervisors may require an employee with a known or suspected injury to provide medical certification prior to continued participation in the program.

5. Human Resources is appointed the Office of Primary Responsibility for this program. Any questions regarding the interpretation of this policy should be directed to Human Resources 304-561-6313. The Military Authority reserves the right to modify, amend, or terminate the program at any time.

