FOREWORD

This employee handbook has been prepared to provide you with general information concerning your rights, responsibilities and benefits as an employee. It is also designed to help you understand how the West Virginia Department of Education conducts business.

As an employee of the Department, you join an outstanding staff that demonstrates high capabilities and a strong commitment to the delivery of a high quality education program for the students and citizens of West Virginia.

Employees of the West Virginia Department of Education are state employees whose professional and personal demeanor reflects upon our great state and the public’s trust. The Department expects you to demonstrate the highest standards of dedication and ethical conduct in the performance of your duties.

Jorea M. Marple, Ed.D.
State Superintendent of Schools
YOUR EMPLOYEE HANDBOOK

This Employee Handbook has been prepared to outline the West Virginia Department of Education's personnel policies. Maintaining this on-line handbook is an on-going process that requires frequent updating. Employees will be notified by email whenever revisions are made to the handbook by the Office of Human Resources. Specifically, the purposes of the handbook follow.

- Provide employees with information concerning their benefits, rights and responsibilities
- Establish guidelines/procedures for day-to-day administration of personnel matters
- Ensure fairness and consistency in personnel decision making
- Ensure that the Department recruits, selects and retains the best personnel, i.e., those with high capabilities and a commitment to the mission and goals of the West Virginia Board of Education and the Department
- Provide a climate and culture of high expectations which fosters optimal staff performance and high morale
- Meet both Department and employee needs in providing leadership and service for high quality education in West Virginia

The Employee Handbook is not intended as a detailed statement of all applicable personnel statutes, regulations and policies. Employees may request further information from their supervisor or the Department's human resources office when questions arise and more specific information is desired. In the case of any inconsistency between the content of this handbook and applicable statutes, regulations or policies, the latter shall prevail.

Employees located at Cedar Lakes Conference Center, Institutional Education Program facilities, Schools for the Deaf and Blind and Regional Education Service Agencies (RESAs) are covered under their respective employee handbooks.

This handbook does not constitute a contract for employment and no representative or employee of the state is authorized to enter into any such employment contract or other agreement. The employment relationship of each employee is “at-will.” “At-will” means that it is for no definite period and is terminable at any time at the will of the State Superintendent, with or without notice, cause or compensation.

This handbook is a continuous working document and subject to modification and further development as determined by the Deputy and/or State Superintendent of Schools. Employees are encouraged to provide suggestions to their immediate supervisor(s) concerning improvements in personnel guidelines/procedures.
References throughout this handbook to the “Department” should be interpreted at all times as the West Virginia Department of Education; references to the “State Board” or the “Board” should be interpreted at all times as the West Virginia Board of Education; references to the “State Superintendent” should be interpreted as the State Superintendent of Schools; and references to any “Directors” should be interpreted as Executive Directors.
SECTION I. GETTING ACQUAINTED

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Overview of the Board and Department</td>
<td>2</td>
</tr>
<tr>
<td>Mission and Goals of the State Board of Education</td>
<td>2</td>
</tr>
<tr>
<td>Employment Relationship</td>
<td>3</td>
</tr>
<tr>
<td>Orientation</td>
<td>3</td>
</tr>
<tr>
<td>Equal Employment Opportunity</td>
<td>3</td>
</tr>
<tr>
<td>Accommodating Employees with Disabilities</td>
<td>4</td>
</tr>
<tr>
<td>Harassment</td>
<td>4</td>
</tr>
<tr>
<td>Communications</td>
<td>4</td>
</tr>
<tr>
<td>Employment Categories</td>
<td>5</td>
</tr>
</tbody>
</table>

SECTION II. WORK AND SALARY SCHEDULES

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Schedules</td>
<td>7</td>
</tr>
<tr>
<td>Flexible Work Hours</td>
<td>7</td>
</tr>
<tr>
<td>Overtime/Compensatory Time/Adjusted Work Schedule for Associate Staff</td>
<td>7</td>
</tr>
<tr>
<td>Adjusted Work Schedule for Professional Staff</td>
<td>8</td>
</tr>
<tr>
<td>Salary Schedule</td>
<td>8</td>
</tr>
<tr>
<td>Pay Periods and Paydays</td>
<td>8</td>
</tr>
<tr>
<td>Delayed Payroll Assignment</td>
<td>9</td>
</tr>
<tr>
<td>Payroll Deductions</td>
<td>9</td>
</tr>
<tr>
<td>Annual Increment</td>
<td>9</td>
</tr>
<tr>
<td>State Experience</td>
<td>9</td>
</tr>
</tbody>
</table>

SECTION III. BENEFITS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday Observations</td>
<td>12</td>
</tr>
<tr>
<td>Early Release</td>
<td>12</td>
</tr>
<tr>
<td>Human Resource Management System (HRMS)</td>
<td>12</td>
</tr>
<tr>
<td>Leave Donation Program</td>
<td>13</td>
</tr>
<tr>
<td>Leave Expectations</td>
<td>13</td>
</tr>
<tr>
<td>Annual Leave (Vacation)</td>
<td>14</td>
</tr>
<tr>
<td>Leave for Illness and Personal Circumstances</td>
<td>15</td>
</tr>
<tr>
<td>Court Witness and Jury Duty Leave</td>
<td>17</td>
</tr>
<tr>
<td>Military Leave</td>
<td>17</td>
</tr>
<tr>
<td>Parental/Family Leave</td>
<td>17</td>
</tr>
<tr>
<td>Educational Reimbursement</td>
<td>18</td>
</tr>
<tr>
<td>Medical Leave of Absence Without Pay</td>
<td>18</td>
</tr>
<tr>
<td>Leave of Absence – Personal</td>
<td>19</td>
</tr>
<tr>
<td>Medical/Basic Life Insurance</td>
<td>20</td>
</tr>
<tr>
<td>COBRA Benefits</td>
<td>20</td>
</tr>
<tr>
<td>Flexible Benefits</td>
<td>21</td>
</tr>
<tr>
<td>Retirement System</td>
<td>21</td>
</tr>
<tr>
<td>Unemployment Compensation</td>
<td>22</td>
</tr>
</tbody>
</table>
Workers’ Compensation .............................................................................................................. 22
Other Benefits .............................................................................................................................. 22
Staff Development ....................................................................................................................... 23

SECTION IV. EMPLOYMENT AND RELATED POLICIES

Employment Process .................................................................................................................... 24
Job Descriptions/Job Postings ...................................................................................................... 26
Employment of Family Members ............................................................................................... 26
Outside Employment .................................................................................................................. 26
Personnel File .............................................................................................................................. 26
Performance Expectations and Employee Code of Conduct ....................................................... 27
Performance Evaluations ............................................................................................................ 28

SECTION V. ADMINISTRATIVE POLICIES

Health and Safety ......................................................................................................................... 31
Appearance ................................................................................................................................ 31
Attendance and Punctuality ......................................................................................................... 31
Absence Reporting ..................................................................................................................... 32
Job Abandonment ....................................................................................................................... 32
Political Activities ...................................................................................................................... 32
Alcohol and Drugs in the Workplace/Tobacco Control ........................................................... 33
Tobacco Control Policy ............................................................................................................... 33
Confidentiality ............................................................................................................................. 33
Solicitations ................................................................................................................................ 34
Membership Fees ....................................................................................................................... 34
Internal Operations Procedures ................................................................................................. 34
Electronic Information Systems ................................................................................................. 35
Personnel Action Forms ............................................................................................................ 35
Telephone Calls .......................................................................................................................... 35
Use of Department Property ................................................................................................ ...... 36
Benefits Related to the Performance of State Duties .................................................................. 36
Building Access ......................................................................................................................... 37
Travel ......................................................................................................................................... 37
State Vehicles/Rental Cars ......................................................................................................... 37
Conflicts of Interest ................................................................................................................... 38
Communication Standard Operating Procedures ...................................................................... 38
Integrated Marketing Communication Plan Development/Relationships with Media .............. 38
Department Stationery ............................................................................................................... 39
Department Web and Publication Design / Videos/ Printing/ Duplication ................................. 39
Online Communication .............................................................................................................. 40
Logo Use .................................................................................................................................... 40
Social Media ............................................................................................................................... 41
Copyright .................................................................................................................................... 41
Purchases/Outside Bids for Integrated Mrktng. Comm. Plans, Software & Other Media ......41
Parking Assignments ...........................................................................................................41
Workplace Security ..............................................................................................................42

SECTION VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action ..............................................................................................................44
Suspensions or Dismissal ......................................................................................................44
Grievance Procedure ..........................................................................................................45
Time Limits ..........................................................................................................................46

SECTION VII. SEPARATIONS

Resignation ..........................................................................................................................48
Retirement .............................................................................................................................48
Reduction In Force ..............................................................................................................49
Dismissal ...............................................................................................................................49
Death ...................................................................................................................................50
SECTION I. GETTING ACQUAINTED

An Overview of the Board and Department

Mission and Goals of the State Board of Education

   Employment Relationship

   Orientation

   Equal Employment Opportunity

Accommodating Employees with Disabilities

   Harassment

   Communications

Employment Categories
I. GETTING ACQUAINTED

An Overview of the Board and Department

The Constitution of West Virginia (Art. XII, §2) provides that the general supervision of the free schools is vested in the West Virginia Board of Education. The State Board consists of nine (9) members appointed by the Governor for terms of nine (9) years. The Board is the policy-making body for education in the state. The Constitution (Art. XII, §2) provides that the State Board select a State Superintendent of Schools to serve at its "will and pleasure." The State Superintendent, a constitutional officer, is the chief executive officer of the West Virginia Board of Education.

Staff are employed by the Department of Education upon recommendation of the State Superintendent of Schools and are state employees. Department staff work under the direction of the State Superintendent of Schools (W. Va. Code §18-3-9) for the general supervision of the free schools in the state and implementing the policies of the Board and other necessary tasks as determined by the State Superintendent or his/her designee. Lines of authority are established in the Department's organizational chart. The organizational chart shows the Department's administrative structure and provides an overview of its responsibilities and functions. The most current organizational chart is available on the Department’s website at: http://wvde.state.wv.us/org-chart.pdf.

Mission, Vision and Goals of the State Board of Education

Mission: The West Virginia Board of Education establishes policies and rules to assure implementation of education goals and to ensure the general supervision, oversight and monitoring of a thorough and efficient educational system.

Vision: All West Virginia students will exceed national educational standards and prepare for higher learning and the world of work through the programs, services and offerings of West Virginia’s thorough, efficient, safe and nurturing education system.

Goals:

1. All students shall master or exceed grade level educational standards that reflect 21st century skills and learning
2. All students shall receive a seamless pre-kindergarten through twenty curriculum designed and delivered with broad stakeholder involvement to promote lifelong learning in a global society
3. All students and school personnel shall develop and promote responsibility, citizenship, strong character and healthful living
4. All students shall be educated in school systems that operate and deliver services efficiently and effectively
5. All students shall be educated by highly qualified personnel
Employment Relationship

Department staff are noncontractual at-will employees. At-will employees are subject to termination by the State Superintendent at any time, with or without notice, cause, or compensation. The employment relationship between the State Superintendent and the employee may be terminated by either party. Reasons for termination by the State Superintendent include, but are not limited to, immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere (do not wish to contend) to a felony charge, misuse of funds or property, violations of law or policies of the State Board, lack of need, or a lack or loss of funding.

Orientation

All newly hired employees in the Department of Education will be given a formal orientation designed to ease their entry into the organization and provide them with basic information they need to succeed in their jobs. Each new employee will be assigned a mentor by the office director. The new employee will participate in an orientation program with the Office of Human Resources to review the Employee Handbook. The orientation will also include: insurance and payroll matters; salary; tax withholding; payroll deduction options; benefit plans; and direct deposit. The mentor will: 1) provide a tour of the organization and introduce the new employee to co-workers and offices outlined in the Office Orientation Checklist (included in new employee orientation folder); 2) review state agency and Department of Education procedures relative to daily expectations and requirements of his/her office (see New Employee Mentor Information Sheet at http://wvde.state.wv.us/hr/; 3) and provide on-going support and guidance for a minimum period of three months.

All new employees will sign documents verifying receipt of the Department’s Employee Handbook; Drug-Free Workplace Policy 1461 (http://wvde.state.wv.us/policies/p1461.pdf); Racial, Sexual, Religious/Ethnic Harassment and Violence Policy 2421 (http://wvde.state.wv.us/policies/p2421.html); Employee Code of Conduct Policy 5902 (http://wvde.state.wv.us/policies/p5902.html); building access and benefit insurance options. The mentor will provide, as needed, consultation regarding the aforementioned policies and benefits.

Equal Employment Opportunity

It is the policy of the West Virginia Department of Education to afford equal opportunity for employment without regard to race, color, religion, national origin and disability which can be reasonably accommodated, gender, age, veteran status or political affiliation. This policy of nondiscrimination prevails throughout every aspect of the employment relationship
including recruitment, selection, placement, training, promotions, transfers, pay, benefits, discipline and other terms and conditions of employment.

Accommodating Employees with Disabilities

The Department will make a reasonable accommodation(s) to the known physical or mental impairment(s) of a qualified individual with a disability, when necessary, to enable the qualified individual with a disability to perform the essential functions of the job. An individual with a disability has the responsibility to request an accommodation. Information concerning reasonable accommodations for disabilities may be obtained at http://www.ada.gov/.

Harassment

Employees shall conduct themselves in a professional and collegial manner. The West Virginia Department of Education strictly prohibits racial, sexual or religious/ethnic harassment of any kind or violence toward students and staff as outlined in Policy 2421 (http://wvde.state.wv.us/policies/p2421.html). The Department will not tolerate any form of discrimination or harassment that creates an intimidating, hostile or offensive work environment nor any act done with intent to cause fear of bodily harm in another. If you believe you have been subjected to discrimination or harassment on the job, you have the right to file a complaint with the Department, the West Virginia Human Rights Commission (WVHRC) at http://www.wvf.state.wv.us/wvhrc/, and/or the Equal Employment Opportunity Office (EEO) http://www.eeo.wv.gov/Pages/default.aspx. Contact the Office of Human Resources for further information about filing a complaint.

Communications

To ensure high employee morale and productivity, the West Virginia Department of Education is committed to establishing and maintaining communication with and among employees at all levels of the organization. The following vehicles are used to accomplish this objective, including but not limited to: holding frequent staff meetings; maintaining an up-to-date website: http://wvde.state.wv.us; issuing written communication and providing an open-door policy permitting employees to speak openly with supervisors. In addition, all supervisors are responsible for informing staff members about matters affecting their job responsibilities or work assignments, the organization's goals and objectives, policies, concerns and matters of mutual interest. The Department also provides a Safe Harbors Task Force to assist employees with the opportunity to serve and/or communicate ideas and information that will improve the working environment.
Employment Categories

Department of Education certified staff salary requirements for both professional and associate staff are outlined in W. Va. Code §18A-4-18. In addition, W. Va. Code §12-3-13 does not allow money to be drawn from the treasury to pay the salary of any officer or employee before services have been rendered.

The Department categorizes employees as professional or associate staff members. Job titles for professional and associate staff are subject to change at the discretion and approval of the State Superintendent. Any new job titles and salaries added to the salary schedules shall be approved in writing by the State Superintendent.

Full-time employees are individuals employed by the WV Department of Education to fill an associate or professional position for 200 days or more per fiscal year. The employment time shall be for 7.5 hours a day or 37.5 hours a week. These individuals will receive benefits such as insurance, retirement and sick leave. Only employees working 261 days per year shall receive annual leave.

Part-time/Temporary employees are individuals employed by the WV Department of Education to fill an associate or professional position for a maximum of 1039 hours per fiscal year. These individuals shall not receive any benefits such as insurance, retirement, sick or annual leave, nor shall they be paid for official holidays. Part-time/Temporary employees shall submit weekly/biweekly time sheets in accordance with department payroll procedures. These individuals do not receive the same employment rights afforded full-time employees.
SECTION II. WORK AND SALARY SCHEDULES

Work Schedules

Flexible Work Hours

Overtime/Compensatory Time/Adjusted Work Schedule for Associate Staff

Adjusted Work Schedule for Professional Staff

Salary Schedule

Pay Periods and Paydays

Delayed Payroll Assignment

Payroll Deductions

Annual Increment

State Experience
II. WORK AND SALARY SCHEDULES

Work Schedules

The Department has established normal business hours as 8:00 a.m. to 4:45 p.m., Monday through Friday, with a one-hour unpaid lunch period and two 15 minute paid break periods. Supervisors may set the times for lunch and break periods and may stagger these times to ensure that each work site is appropriately staffed at all times.

The West Virginia Department of Education's normal work week for a full-time employee is defined as 37.5 hours of work from Monday through Friday. Specific work hours and starting/ending times are established by the Executive Director with approval by the Deputy Superintendent or Assistant Superintendent of the division. The schedule may be changed or adjusted in response to the Department's needs.

Flexible Work Hours

The Department has established a flexible work hours program in which an employee may be placed on an earlier or later starting time. Flexible work schedules are established to promote efficient operations and to consider reasonable requests from employees. An employee is placed upon a flexible work schedule based upon Department needs or upon approval following a request by an employee. Flexible schedules are developed by the Executive Director, approved by the Deputy Superintendent or Assistant Superintendent and meet the following criteria: (a) 7.5 hour work day; (b) unpaid 30 to 60 minute lunch period; (c) begin no earlier than 7:00 a.m. nor later than 9:00 a.m. and end no earlier than 3:00 p.m. for associate staff; (d) begin no earlier than 7:30 a.m. nor later than 9:00 a.m. and end no earlier than 4:00 p.m. for professional staff. In addition, offices must have phone coverage between the hours of 8:00 a.m. and 4:45 p.m. It is the policy of the Department to ensure that employees work within their assigned/designated office location(s).

Overtime/Compensatory Time/Adjusted Work Schedule for Associate Staff

Employees may be required to work in excess of prescribed working hours or on a holiday in response to the Department's needs. Any hours worked between 37.5 hours to 40 hours are not considered overtime. Overtime/compensatory time/adjusted work schedules must be approved in advance by the employee’s supervisor and Assistant Superintendent.

For associate staff, overtime is defined as the number of hours worked beyond 40 hours in the work week. Overtime is only applicable for time which has been approved in advance and authorized by the supervisor. The Department of Education may provide compensatory time in lieu of overtime, but must compute compensatory time at not less than one and one-half hours for each overtime hour (Fair Labor Standards Act -

All overtime/compensatory time/adjusted work schedules for associate staff shall be used within a 30 day work period and a Request for Approval of Overtime/Compensatory Time/Adjusted Work Schedule Form must be submitted to the supervisor for prior approval.

**Adjusted Work Schedule for Professional Staff**

Professional staff members are "exempt" from the provisions of the Fair Labor Standards Act (FLSA); associate staff members are "nonexempt" (covered by FLSA - http://www.dol.gov/esa/whd/flsa/). Professional staff are exempt from overtime pay requirements; and in response to the normal requirements of their job position and peak business needs, are expected to work the hours and schedules necessary to fulfill job requirements. Professional staff may receive an adjusted work schedule only under extenuating circumstances. Professional employees may not accrue adjusted work schedules for attending professional development/conferences/workshops. The adjusted work schedule must be approved in advance and be authorized by the Executive Director and Assistant Superintendent and approved by the Deputy Superintendent.

All adjusted work schedules for professional staff shall be used within a 30 day work period and a Request for Approval of Adjusted Work Schedule Form must be submitted to the supervisor for prior approval.

**Salary Schedule**

Associate staff are paid on the Associate Staff Salary Schedule which is based on the comparable job classification in the county school system in which the work site is located (W. Va. Code §18A-4-18). Professional staff members are paid on the Professional Staff Salary Schedule which is based upon job classification and title as determined by the State Superintendent and established within the requirements of W. Va. Code §18A-4-18.

**Pay Periods and Paydays**

Employees are paid twice a month - on the 15th and 30th for a thirty-day month and the 16th and 31st for a thirty-one day month. Sometimes delays in receiving paychecks from the State Auditor's office or delays resulting from the postal service will cause employees to receive their paychecks later than the scheduled payday. These circumstances are infrequent and are beyond the control of the Department. Employees are encouraged to utilize the Direct Deposit system to minimize delays. If a scheduled payday falls on a Saturday or Sunday, paychecks are issued on the Friday preceding the scheduled payday.
Delayed Payroll Assignment

An employee shall be placed on the delayed payroll system when (s)he has been taken off payroll for the following.

1. Insufficient accrued leave to cover two separate absence incidents during the preceding six months
2. Two occurrences of unauthorized leave resulting in an employee’s pay being docked

The delayed payroll status will commence after one pay period advance notice following the employee’s return to work. The employee will remain in delayed pay status.

Payroll Deductions

An earnings statement is attached to each paycheck indicating gross wages, itemized deductions and net pay. It is the employee’s responsibility to review earnings statements EACH payday. Any errors or unexplained discrepancies should be reported to the Department’s payroll office immediately.

Mandatory deductions from paychecks are Federal Withholding Tax, State Withholding Tax, Social Security Withholding Tax (FICA), Medicare and Teachers Retirement System Contribution. Other payroll deductions may be made based on authorization by the employee including, but not limited to: Insurance Premiums (Basic Health, Optional Life, Dependent Life); Credit Union; U.S. Savings Bonds; Combined Campaign for Charitable Organizations; Employee Association Dues; Parking Fee; city user fees and other miscellaneous deductions.

Annual Increment

Eligible employees with three or more full years of verified state service as of July 1 are entitled to receive an annual increment equal to sixty dollars in recognition of the value of prior years of service as a state employee. The amount of this annual payment is set by state statute WV Code §5-5-2. The annual increment is paid in a lump sum separate pay at the end of July.

State Experience

Blower v. West Virginia Educational Broadcasting Authority, 182 W.Va. 528, 389 S.E.2d 739 (1990): This Supreme Court ruling stated under 360k45 Establishment of Executive Departments or Boards…In determining whether a particular organization is a state agency,
the Supreme Court of Appeals will examine its legislative framework; in particular, it will look to see if its powers are substantially created by the legislature and whether its governing board’s composition is prescribed by the legislature and other significant factors are whether the organization can operate on a statewide basis, whether it is financially dependent on state funds and whether it is required to deposit its funds in state treasury.
SECTION III. BENEFITS

Holiday Observations

Early Release

Human Resource Management System (HRMS)

Leave Donation Program

Leave Expectations

Annual Leave (Vacation)

Leave for Illness and Personal Circumstances

Court Witness and Jury Duty Leave

Military Leave

Parental/Family Leave

Educational Reimbursement

Medical Leave of Absence Without Pay

Leave of Absence - Personal

Medical/Basic Life Insurance

COBRA Benefits

Flexible Benefits

Retirement System

Unemployment Compensation

Workers’ Compensation

Other Benefits

Staff Development
III. BENEFITS

Holiday Observations

Employees are granted paid time off in observance of the following official holidays.

1. New Years Day ......................1st  Day of January
2. Martin Luther King’s Birthday ....3rd  Monday of January
3. President’s Day .....................3rd  Monday of February
4. Memorial Day ........................Last Monday in May
5. West Virginia Day ..................20th  Day of June
6. Independence Day ..................4th  Day of July
7. Labor Day ............................1st  Monday of September
8. Columbus Day ......................2nd  Monday of October
9. Veterans Day .......................11th  Day of November
10. Thanksgiving .................4th  Thursday & Friday of November
11. Christmas Eve .....................2 Day December 24 (if Christmas falls on Tue. – Fri.)
12. Christmas Day .....................25th Day of December
13. New Years Eve .....................2 Day December 31 (if Christmas falls on Tue. – Fri.)
14. Primary Election Day ....When a Statewide primary election is held
15. General Election Day ............When a Statewide general election is held
16. Any other dates proclaimed by the President or Governor as official holidays

When a holiday occurs on Sunday, the Monday immediately following will be observed as the holiday. When a holiday occurs on Saturday, the Friday immediately preceding will be observed as the holiday.

The Department will make reasonable accommodations for an employee's religious holiday observance; however, the employee must elect either to make application for annual leave or a personal leave of absence.

Early Release

Employees on approved leave that occurs on an unscheduled early release day are not entitled to the early release benefit.

Human Resource Management System (HRMS)

The Human Resource Management System (HRMS) is a Department of Education database established for the Office of Human Resources to maintain employee information. It is the responsibility of each employee to periodically check the accuracy of his/her employee information and report necessary changes to the Office of Human Resources. Employees
shall submit all leave and travel requests on-line to their immediate supervisor at https://wveis.k12.wv.us/nclb/HRMS/Signon.cfm. Additionally, supervisors’ approval/denial of leave shall be submitted on-line through the HRMS system. Supervisors and employees have immediate access to available and projected accrual of leave through this system. This database also provides employee office, home, medical, established hire/seniority/leave dates and other information required by the Department of Administration and Department of Education.

**Leave Donation Program (§29-6-27)**

The Department of Education Leave Donation Program has established a leave donation program under which annual leave accrued by an employee may, if voluntarily agreed to by the employee, be transferred to the annual leave account of another designated employee if the other employee requires additional leave because of a medical emergency or prolonged illness. A medical emergency means a medical condition of an employee or a family member of an employee that is likely to require the prolonged absence of the employee from duty and which will result in a substantial loss of income because of the unavailability of paid leave. Some basic key points of the leave donation program follow.

- Donors may donate only accrued annual leave
- Substantial loss of income is an amount greater than or equal to ½ month (10 days) of an employee’s base pay
- Recipient must have exhausted all sick and annual leave as well as any other accrued paid leave for which the employee is entitled
- Donor must have a remaining balance of ten days accrued annual leave after making the annual leave donation
- The value of donations will be based on the salary of the full-time employee

Information about the Leave Donation Program and required forms are available in the Office of Human Resources or can be found @ http://wvde.state.wv.us/hr/.

**Leave Expectations**

It is the responsibility of the supervisor to monitor employee absences. As outlined in the Annual Personnel Evaluation Form under Attendance (minimizes absences) and Punctuality (minimizes tardiness), abuse of leave benefits will lead to more strict control thereof, including but not limited to, being required to produce a physician’s statement for all absences. If an employee’s attendance record suggests a problem, the executive director/immediate supervisor shall hold a conference with the employee to identify and resolve the problem.

Department employees are not required to take leave to interview for an internal job position; however, job interviews outside the Department require employees to take leave.
Annual Leave (Vacation)

Only full-time (261 day) employees are eligible to earn annual leave. Annual leave is earned according to an employee's total length of verified state employment, county board of education employment and employment in other educational positions, including educational experience outside of West Virginia.

Annual leave is earned each calendar month according to the following table:

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<th>DAYS EARNED PER MONTH</th>
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<td>5 through 9</td>
<td>1 ½</td>
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<tr>
<td>10 through 14</td>
<td>1 ¾</td>
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<td>15 +</td>
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Annual leave is earned effective at 11:59 p.m. on the 15th (30 day month) or at noon on the 16th (31 day month) day of each month worked. An employee must work 10 paid days in a month (including paid sick/annual leave) to earn annual leave.

A maximum of 40 days annual leave may be carried over from one calendar year (January 1 to December 31) to another.

Requesting Annual Leave

Annual leave cannot be taken before it is earned. Employees are required to request annual leave in advance of when it is to be taken and must have prior approval of the supervisor before taking leave. Employees should give all supervisors notice of a request for annual leave equal to the amount of annual leave time requested. For example, if an employee requests five days of annual leave, the request should be made to the supervisor at least five workdays prior to the commencement of the leave period. If annual leave is not approved the supervisor must notify the employee immediately upon receiving the leave request. The minimum charge against annual leave is one-quarter (1/4) day and any additional leave is charged in multiples thereof. One-quarter (1/4) of a day is interpreted as two hours. All annual leave requests shall be submitted on-line through the Human Resource Management System (HRMS) at https://wveis.k12.wv.us/nclb/HRMS/Signon.cfm.

Payment of Annual Leave Balance on Separation from Employment

Employees who separate from employment for any reason are paid for their balance of annual leave subsequent to their separation and may choose one of the following options for payment of the annual leave balance.
• An employee may elect to be paid the balance of leave not to exceed 40 days in semi-monthly payroll installments until all the leave is exhausted.
• An employee may elect to be paid for the balance of leave in a lump sum not to exceed 40 days. The lump sum payment will be paid at the time that would have been the employee's next scheduled pay day, subsequent to the date of separation.

Transfer of Annual Leave

When an employee transfers to another state agency, all accumulated annual leave is transferred.

Leave for Illness and Personal Circumstances

Sick leave may be requested for the following.

! illness or injury that prevents the employee from performing her/his duties
! routine medical/dental appointments for the employee
! illness or routine medical/dental appointments for a member of the employee's immediate family*
! death in the employee's immediate family*, not to exceed five days
! employee's exposure to contagious illness as determined by a physician. The physician must verify in writing that the employee's presence on duty may endanger the health of others
! any incapacity due to pregnancy (charged to sick leave under the same conditions applying to illness)

* Immediate family, is defined as mother, father, daughter, son, sister, brother, wife, husband, mother-in-law, son-in-law, father-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather and stepchildren.

The employee shall furnish a written statement from the attending physician/licensed medical care giver for all consecutive days of sick leave granted beyond three working days. If the employee’s physician/licensed medical care giver has placed restrictions or limitations on the employee’s work activities, the employee shall furnish the physician/licensed medical care giver written statement to the direct supervisor immediately upon return to work. All physician/licensed medical care giver written statements shall be forwarded to the Department leave administrator. Any exception must be made by the Deputy or Assistant State Superintendent. All sick leave requests shall be submitted on-line through the Human Resource Management System (HRMS) at https://wveis.k12.wv.us/nclb/HRMS/Signon.cfm.

Abuse of sick leave benefits will lead to more strict control thereof, including but not limited to, being required to produce a physician’s statement for all absences. Sick leave can be accumulated on an unlimited basis. Sick leave is provided for the benefit of employee and/or
immediate family medical needs and should be accrued for future unexpected medical emergencies.

_Earning Rate_

Each regular full-time employee (37.2 hours per week) earns one and one-half (1 1/2) days sick leave for each month of service. Sick leave is earned at 11:59 p.m. on the 15th (30 day month) or at noon on the 16th (31 day month) of each month worked. The minimum charge against such leave is one-quarter (1/4) day and any additional leave is charged in multiples thereof. One-quarter of a day is interpreted as two hours. An employee must work 10 paid days in a month (including paid sick/annual leave) to earn sick leave.

_Requesting Sick Leave_

- Any request to use sick leave for scheduled medical/dental appointments should be made in advance of the appointment and requires the prior approval of the supervisor
- Any unscheduled absence due to illness should be personally reported, if possible, to the immediate supervisor before 9:00 a.m.
- Immediately after returning to work site from an unscheduled absence due to illness, employees must submit their leave request online through the Human Resource Management System (HRMS)

_Separation from Employment_

- No additional sick leave is earned after the last day of employment
- If an employee returns to work after separation, any previous sick leave balance will be restored

_Illness While on Annual Leave_

An employee who becomes ill while on previously approved annual leave may request that the time be charged to sick leave. However, if the leave exceeds three days a physician’s statement must be provided. The employee must request the sick leave usage immediately upon return to the work site and must provide a physician's or hospital statement listing the specific dates of hospitalization or emergency room services.

_Transfer of Sick Leave_

When an employee transfers to another state agency, all accumulated sick leave is transferred.

Accumulated sick leave may be transferred to the Department from other state agencies, institutions of higher education, RESAs and county boards of education within the state. The employee is required to submit documentation from the previous employer of accumulated
sick leave to the Office of Human Resources.

**Incentive for Accumulation of Sick Leave Under the Teacher Retirement System (TRS) Plan 1**

The state provides an incentive for employees to accumulate a sick leave balance at retirement under the Teacher Retirement System Plan 1. Sick leave accumulated at retirement under the TRS may be used to purchase health insurance during retirement or to purchase additional years of service.

**Court Witness and Jury Duty Leave**

Upon request in writing, an employee will be granted leave with pay when subpoenaed to testify in court in a case in which he or she is not a party or when summoned to serve on a jury. Leave requests must be accompanied by a copy of the subpoena or summons.

**Military Leave**

The Department grants military leave in accordance with the provisions of state law §15-1F-1 and under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA "). Department employees who are members of the National Guard or any reserve component of the United States Armed Forces may be granted paid military leave, without loss of status or benefits, for a period not to exceed 30 working days in any one calendar year. Check with the Office of Human Resources for further details concerning military leaves of absence (with and without pay) and associated benefits. When an employee is called to active duty by the properly designated authority, the time may exceed 30 days. (W. Va. Code ' 15-1F-1)

A request for military leave must be accompanied by an official order from the appropriate military officer.

**Parental/Family Leave**

In accordance with the West Virginia Parental Leave Act (PLA), an employee hired for permanent employment, who has worked for at least twelve consecutive weeks performing services for remuneration, shall be entitled to a total of at least twelve calendar weeks of unpaid family leave following the exhaustion of all his/her annual and sick leave during any twelve month period for the following reasons.

- Birth of a son or daughter of the employee
- Placement of a son or daughter with the employee for adoption
- To care for the employee’s son, daughter, spouse, parent or dependent who has a serious health condition
In case of a son, daughter, spouse, parent or dependent who has a serious health condition, such family leave may be taken intermittently when medically necessary. A serious health condition is defined as any physical or mental illness, injury or impairment which involves (1) inpatient care in a hospital, hospice or residential health care facility, or (2) continuing treatment, health care or continuing supervision by a health care provider.

If an employee requests family leave to care for a designated family member with a serious health condition, the employer may require the employee to provide certification by a health care provider of the family member’s serious health condition.

If a leave because of birth or adoption is foreseeable, the employee shall provide the employer with two weeks written notice of such expected birth or adoption.

If a leave under this section is foreseeable because of planned medical treatment or supervision, the employee shall: (1) make a reasonable effort to schedule the treatment or supervision so as to not unduly disrupt the operations of the employer, subject to the approval of the health care provider of the employee’s son, daughter, parent or dependent; and (2) provide the employer with two weeks written notice of the treatment or supervision.

The position held by the employee immediately before the leave is commenced shall be held for the employee and the employee shall be returned to that position provided that such leave does not exceed twelve calendar weeks.

An employee may also be covered under the Federal Family Medical Leave Act (FMLA) of 1993. The FMLA mandates that a qualifying employee be eligible for a total of twelve work weeks of unpaid leave during any consecutive twelve month period. FMLA leave may be for one or more of the following:

- Birth of a child of the employee, in order to care for such child
- Placement of a child with the employee for adoption or foster care
- Care of a seriously ill child, partner or parent of the employee
- The employee’s own serious illness which causes the employee to be unable to perform the functions of his/her position

Contact the Office of Human Resources regarding the Parental Leave Act (http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=21&art=5D#05D) and the FMLA (http://www.dol.gov/dol/topic/benefits-leave/fmla.htm).

**Educational Reimbursement**

The Department shall reimburse eligible full-time Associate staff employees for their educational expenses subject to the terms and conditions of the program. An eligible employee shall receive educational assistance only for approved courses of study that are job related and lead to the completion of a program in a college, university, business, high school
offering adult programs, trade or technical school or other educational institution approved by the Department. (See Educational Expense Reimbursement Program at http://wvde.state.wv.us/hr/ or obtain a copy from the Office of Human Resources.)

Medical Leave of Absence Without Pay

An injured or ill employee is granted a medical leave of absence without pay not to exceed six months in a 12 month period with the following provisions.

- The employee makes written application to the State Superintendent no later than 15 calendar days following the expiration of any sick and/or annual leave time the employee may choose to utilize
- The employee's absence is due to an illness or injury which is substantiated by a physician's written statement which:
  - verifies that the employee is unable to perform his/her duties
  - gives a tentative date for the employee to return to work
- The physician verifies that the condition is not of such a nature as to render the employee permanently unable to perform his/her duties

While on a medical leave of absence without pay, an employee does not earn sick or annual leave and time spent on this leave does not count as service with the state. An employee on medical leave of absence without pay will be afforded the opportunity to return to the position previously held unless this position is eliminated due to lack of funding or a reduction in force.

During a medical leave of absence without pay the employee is required to pay the premium currently being deducted to maintain medical/basic life insurance benefits; the Department is obligated to pay its proportionate share for one year. The employee is also required to pay her/his optional or dependent life insurance premiums when granted a medical leave of absence.

Leave of Absence - Personal

An individual hired for permanent employment may be granted a personal leave of absence without pay subject to the discretionary approval of the State Superintendent provided the employee makes written application for such leave to the State Superintendent.

The period of a personal leave of absence should not exceed one year but may be granted for a shorter or longer period at the discretion of the State Superintendent. Unless specifically authorized by the State Superintendent, a personal leave of absence is from employment with the Department and not from a specific position. The Department reserves the right to fill, modify or eliminate the vacant position if required by business needs or a lack or loss of funding. However, the employee who returns from such leave may be afforded the
opportunity to return to the position previously held or may be placed in a position for which he or she is qualified within a six month period of the expiration date established for the leave of absence. Prior to or upon the expiration date established for the leave of absence, the employee shall provide in writing to the Office of Human Resources, a status letter of intent. If there is intent to return to work, the employee must request for re-employment consideration for any available position the employee may be qualified.

While on a personal leave of absence without pay, an employee does not earn sick or annual leave. Time spent on a personal leave of absence is excluded as qualifying years of service credit with the state unless the leave of absence is for military reasons.

The employee is required to pay his or her share of the premium and the Department's share of the premium to maintain medical/basic life insurance when granted a personal leave of absence. The employee is also required to pay optional or dependent life insurance while on a personal leave of absence.

Medical/Basic Life Insurance

Full-time employees of the State of West Virginia are eligible for enrollment in the Public Employees Insurance Agency (PEIA) Benefit Plan. The plan offers hospital, surgical, major medical, prescription drug and other medical care benefit coverage to employees and dependents and retirees. Participation in the insurance plan is voluntary. Detailed information concerning types of coverage and plans is provided by the Office of Human Resources and/or the Public Employees Insurance Agency.

Coverage terminates at the end of the month in which an employee voluntarily ends his/her employment and goes off the payroll. Coverage for an employee who is involuntarily terminated or laid off may continue for three additional months after the end of the month in which the employee goes off the payroll. This extension of basic coverage is provided at no additional cost to the employee. For exclusions, information on pre-certification and applicable premium costs, employees should contact Public Employees Insurance Agency.

COBRA (Consolidated Omnibus Budget Reconciliation Act)

Federal law entitles employees and covered dependents to continue medical coverage when coverage would otherwise terminate, provided the employees and/or dependents pay the full group premiums.

Additional information may be obtained from the Public Employees Insurance Agency [http://www.peia.wv.gov/Pages/default.aspx](http://www.peia.wv.gov/Pages/default.aspx) or the Office of Human Resources.
Flexible Benefits

The Mountaineer Flexible Benefits program allows money for dental, optical and disability insurance, as well as medical expenses not reimbursed by PEIA (such as deductibles, co-payments and child care expenses), to be deducted before it is taxed. Taxable income is reduced and saves money through lower federal, state and Social Security salary deductions.

Open enrollment for the flexible benefits plan is held once each year usually during the months of April and May. This is the only time an employee may enroll or withdraw from the plan, unless a change in family status occurs. The plan is legally binding for one year (July 1 through June 30).

For more information about the flexible benefits plan, call Fringe Benefits Management Company at 1-800-342-8017, or call PEIA at (304) 558-7850 or visit online at http://www.fbmc.com/.

Retirement System

All personnel regularly employed by the Department are required by state law to be members in the Teachers Retirement System administered by the West Virginia Consolidated Public Retirement Board. Employees who have worked in other state government positions may be protected under the Public Employees Retirement Act and should consult the Office of Internal Operations (Payroll) for assistance in determining their status in this regard.

Employees hired after 7/1/2005 are enrolled in Plan 3 of the Teachers Retirement System (TRS) UNLESS the new employee was a previous member of the Teachers Retirement System (TRS) who shall remain in TRS/Plan 1, OR was a previous member of the Teachers Defined Contribution (TDC) who shall remain in TDC Retirement System.


Employee/Employer Retirement Contributions

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<tr>
<th>Title</th>
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<td>15%</td>
</tr>
<tr>
<td>Teacher Retirement System (TRS) Plan 3</td>
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</tr>
<tr>
<td>Teacher Defined Contributions (TDC)</td>
<td>4.5%</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

Employees with questions regarding the Teacher Retirement System (TRS) Plans or the Teachers Defined Contribution (TDC) Retirement System may call the Retirement Board at 304-558-3570 or visit online at http://www.wvretirement.com/.
Unemployment Compensation

Employees of the state are covered by the West Virginia Unemployment Compensation Law which is designed to provide insurance against loss of wages to employees who become unemployed.

Additional information may be obtained from the WorkForce West Virginia at http://www.wvcommerce.org/business/workforcewv/unemployment_compensation/default.aspx.

Workers' Compensation

If an employee sustains a job-related illness or injury, the employee may be eligible to receive benefits under the Workers' Compensation Fund. The Workers' Compensation Fund provides compensation for loss of wages due to both temporary and permanent disabilities as well as payments for approved medical expenses.

Employees are expected to notify their supervisors and the West Virginia Department of Education Office of Human Resources immediately of any injury sustained while on duty. The Employee Manual on Workers’ Compensation and Employee’s and Physician’s Report of Occupational Injury can be found at http://wvde.state.wv.us/hr/currentEmployees.php. When an employee is absent from work due to a compensable work-related injury or illness, the employee may elect to receive Temporary Total Disability Benefits (TTD) or take paid sick leave during the period of absence from work but may not receive both simultaneously. W. Va. Code §23-4-1 provides that employees of the state are ineligible to receive workers’ compensation benefits while drawing sick leave benefits at the same time for the same reason. Therefore, the employee must make his/her choice known by completing an Election of Option Form http://wvde.state.wv.us/hr/currentEmployees.php and returning the form to the WVDE Office of Human Resources. Employees receiving paid sick leave and/or annual leave until initial TTD benefits check must reimburse the net value of the paid leave to the Department who will then restore that leave. Additional information on Workers’ Compensation may be obtained at the website of the West Virginia Offices of the Insurance Commissioner http://www.wvinsurance.gov/WorkersCompensation.aspx or from the WVDE Office of Human Resources.

Other Benefits

Other benefits available to Department employees include the purchase of U. S. Savings Bonds through a payroll savings plan, tax sheltered annuities and membership in the State Credit Union. (Email: contact@scuwv.com or visit http://www.wvpecu.org/)
Staff Development

Department employees will be provided a variety of opportunities to help develop and improve job skills. Staff development courses and workshops are offered periodically by the Department and the State Division of Personnel. Department sponsored staff development opportunities are announced to all employees. Course descriptions and schedules for training from the State Division of Personnel are available from its training and development section. Pending available funding and prior approval, the Department permits employees to attend staff development conferences and workshops offered by other organizations and agencies when these opportunities are pertinent to an employee's area of responsibility.
SECTION IV. EMPLOYMENT AND RELATED POLICIES

Employment Process

Job Descriptions/Job Postings

Employment of Family Members

Outside Employment

Personnel File

Performance Expectations and Employee Code of Conduct

Performance Evaluations
IV. EMPLOYMENT AND RELATED POLICIES

Employment Process

All position announcements are posted and sent to standard recruiting sources and are advertised for a minimum of 15 calendar days with an option to advertise only within the Department for a period of 10 calendar days. Positions may be reopened if a candidate is not selected after the original announcement period. Positions are re-advertised for a minimum of 10 calendar days with a maximum closing date of 45 days from the date of re-advertisement.

Applicants for Associate positions apply to the Office of Human Resources where the application is processed and appropriate testing and initial screening conducted. All applications are sent to the interviewing supervisor. After interviewing selected candidates, the interviewing supervisor ranks the applicants on the basis of job qualifications and recommends a candidate to the Assistant State Superintendent who shall make the selection, subject to the approval of the State Superintendent.

Applicants for Professional positions will submit an application/resumé as stipulated on the job posting. A screening committee reviews the applications against the criteria listed in the position announcement. Candidates who meet the criteria are considered and the top candidates are determined for an interview. The interview committee recommends candidates to the Assistant State Superintendent who will recommend the appointment to the State Superintendent of Schools. The State Superintendent may select any of the recommended candidates or repost the position or withdraw the posting. Once the State Superintendent has approved the selection, a proposed offer of employment is extended to the successful applicant by the State Superintendent or designee.

The Office of Human Resources is responsible for advertising position announcements, receiving applications and sending receipt letters to all applicants. Once the job posting date closes, the pool of applicants will be submitted to the respective division/office for continuation of the employment process. Within two weeks of the initial screening, interview and selection process, the hiring division/office will send status letters to the applicants. Once the selection process is complete, the employee is sent a formal letter of appointment from the State Superintendent.

Applicants who are selected for an associate or professional position shall report to the Office of Human Resources for finger printing and completion of a Criminal Identification Bureau card. Current county board of education and/or state employees hired are exempt from finger printing and completion of a Criminal Identification Bureau card.
Job Descriptions/Job Postings

Job descriptions are defined as the specific job posting announcement that is advertised for each position. There are times when an existing employee, while maintaining his or her position along with all of the duties associated with it, may be required to take on additional duties and assignments when a program expands due to increased grant funding, Legislative mandates, Department reorganization, etc. These added duties and assignments may change an employee’s title or salary classification as determined by the State Superintendent of Schools.

Employment of Family Members

The Superintendent discourages the employment of immediate family members of Department personnel. For purposes of this section, "immediate family members" are defined as husband, wife and children. Employment of a staff member's immediate family may be permissible under the following circumstances.

- The family members are assigned to separate divisions
- The family members work in the same division but are not directly supervised by a family member

Any exceptions must be approved in writing by the State Superintendent.

Outside Employment

Department employees may not serve as a paid consultant/employee for county school districts and Regional Education Service Agencies. Employees who serve as consultants for other agencies or firms and receive compensation shall use annual leave for the days involved. Employees shall also provide the State Superintendent and Assistant State Superintendent advanced written notice of consultant agreements.

Outside employment is not prohibited as long as it does not conflict with the employee’s primary employment. Any outside employment must not present a conflict of interest or prevent the employee from performing his or her assigned duties and must be during off duty hours. Employees may not hold any public office while employed in the Department of Education.

Personnel File

Necessary job-related and personal information about each employee is retained in the official personnel file kept by the Department’s Office of Human Resources. Contents include basic employee identification, completed employment applications and other hiring related documents, position announcements, certification and training records, notices of
salary adjustments and benefit coverage information, performance evaluations, disciplinary
records and other relevant job-related information or documents deemed essential by the
Department. Personnel files of current and former employees are kept indefinitely.

Employees have the right to inspect information contained in their personnel files. Individuals will be given access to their files only in the presence of an authorized Department official and at a mutually convenient time and place. Personnel files may not be removed from the Office of Human Resources outside the required release to Department of Education Legal Counsel for litigation purposes. At the request of the employee, the Office of Human Resources will provide copies of documents on file. The personnel file is accessible to a supervisor for administrative or employment purposes. Individuals who review personnel files shall date and sign the inside left cover of the file.

It is essential that the employees assist the Department in keeping his/her file current by providing certificates of completed education and training and other pertinent information. Employees shall promptly notify their supervisors and the Office of Human Resources in writing of changes in address, telephone number, name, tax exemption, insurance beneficiary, number of dependents, certification status or other pertinent information.

If there are questions regarding information contained in an employee’s personnel file, the employee should bring the matter to the attention of the Office of Human Resources. The Office of Human Resources will consider the employee's objection and correct or remove erroneous or improper information. If the Department decides to retain the disputed information in the file, the employee is entitled to attach a written objection to that item, making the objection a part of the permanent file.

No information in a personnel file will be disclosed to anyone outside the Department without written consent from the employee or former employee specifically authorizing the release of the information unless required to do so by law. The Department reserves the right, however, to verify basic information, such as employment status and job title, without notification to the individual involved, and to cooperate with law enforcement, public safety or medical officials who have a valid need to ascertain limited, specific information about an individual. The Department will also provide employment references, upon request, pursuant to W. Va. Code § 55-7-18a.

Performance Expectations & Employee Code of Conduct

As your employer, the State Superintendent has established standards of conduct and performance expectations for all staff members of the West Virginia Department of Education. The State Superintendent expects each employee to:

- work effectively as a member of the educational team
- demonstrate self control
- exhibit an attitude of mutual respect and tolerance
- demonstrate ethical conduct
- demonstrate good work habits
- demonstrate effective writing and oral presentation skills
- demonstrate expertise in areas of responsibility
- abide by state and federal laws and regulations, State Board of Education policies, directives of the State Superintendent of Schools or designee
- represent the Department in a positive and professional manner, and
- keep up to date with developments in her or his field.

Additionally, WVDE employees are bound by State Board of Education Policy 5902: Employee Code of Conduct, which is applicable to all West Virginia school employees. The Department requires that employees shall:

- exhibit professional behavior by showing positive examples of preparedness, communication, fairness, punctuality, attendance, language and appearance
- contribute, cooperate and participate in creating an environment in which all are accepted
- contribute to a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence and free from bias and discrimination
- contribute to a culture of caring through understanding and support
- demonstrate responsible citizenship by maintaining a high standard of conduct, self-control and moral/ethical behavior, and
- comply with all Federal and West Virginia laws, policies, regulations and procedures.

Performance Evaluations

Employees receive an annual written job performance evaluation by their supervisors in accordance with Department procedures. Evaluations are based upon annual goal(s) accomplishment(s) and assessment of performance. Supervisors shall review the completed evaluation form with the employee. The employee acknowledges the review by signing the evaluation form, even when in disagreement. An addendum may be attached to the evaluation. Signed evaluation forms shall be submitted to the Office of Human Resources by June 30 of each year.

If the employee's annual evaluation is unsatisfactory in any area, an improvement plan shall be implemented; however, any time an employee’s performance is unsatisfactory prior to the annual evaluation, an improvement plan may be implemented. The Evaluation and Goal Setting Process and relative forms can be accessed at http://wvde.state.wv.us/hr/.

The evaluation and improvement plan process shall not be construed as altering the at-will employment of Department employees.
SECTION V. ADMINISTRATIVE POLICIES

Health and Safety

Appearance

Attendance and Punctuality

Absence Reporting

Job Abandonment

Political Activities

Alcohol and Drugs in the Workplace/Tobacco Control

Tobacco Control Policy

Confidentiality

Solicitations

Membership Fees

Internal Operations Procedures

Electronic Information Systems

Personnel Action Forms

Telephone Calls

Use of Department Property

Benefits Related to the Performance of State Duties

Building Access

Travel

State Vehicles/Rental Cars

Conflicts of Interest

Communications Standard Operating Procedures

Relationships with Media

Department Stationery

Department Publications

Parking Assignments

Workplace Security
V. ADMINISTRATIVE PROCEDURES

Health and Safety

Employees are expected to follow safety instructions and to comply with procedures established to prevent accidents. An employee is responsible for immediately reporting health and safety concerns to his or her immediate supervisor.

Appearance

Department employees serve as role models for the education profession throughout the State of West Virginia. In addition, employees are responsible for representing the State Board of Education and the State Superintendent in a professional manner regarding dress, grooming and conduct. The Department does not support the concepts of “dress down Friday” or “casual days.”

Employees are expected to use good judgment in determining appropriate attire. Clothing should be professional and reflect a high standard of personal hygiene. Clothing that alludes to obscenity, violence, sex or advertises alcohol, tobacco or an illegal substance is prohibited.

The immediate supervisor and job function will determine what is deemed to be appropriate attire, taking into consideration contact and interaction with Department employees, the public, educational community and state agencies. Deviation from professional dress should be considered the exception rather than the norm and requires prior approval of the executive director/immediate supervisor. Specific questions regarding personal attire should be directed to the executive director or immediate supervisor.

Attendance and Punctuality

The Department expects regular attendance from all employees. Supervisors shall ensure that the work of the office and organization is able to continue when considering all leave requests. Employees are required to be on time and ready to work at the beginning of their scheduled work periods.

The executive director/immediate supervisor is responsible for verifying the attendance records of all employees under her or his supervision at the end of each month. If an employee's attendance record suggests a problem the executive director/immediate supervisor shall hold a conference with the employee to identify and resolve the problem. Employees with attendance problems are subject to unsatisfactory personnel evaluations and/or disciplinary action including possible termination.
Absence Reporting

Requests for annual leave and sick leave are to be made and approved in advance of the time the leave is to be taken. (See Requesting Annual Leave)

If an employee must be absent without prior approval the employee is required to notify his or her immediate supervisor (or another such person designated by the supervisor) by 9:00 a.m. of the initial day absent. Failure to observe the absence reporting procedure may result in disciplinary action.

Job Abandonment

Excepting extenuating circumstances approved by the State Superintendent, employees absent from work without notifying the immediate supervisor are subject to termination for job abandonment. In addition, excepting extenuating circumstances approved by the State Superintendent and/or employees approved for medical/personal leave, employees who have had their paychecks reduced by six or more days in a fiscal year may be terminated for job abandonment.

Political Activities

The Department is a nonpartisan entity and its employees are prohibited from using their official positions or Department resources to engage in political activities or support candidates for public office.

Employees are encouraged to exercise their right to register and vote, and may be given time off to do so as provided in W. Va. Code ‘3-1-42. There are; however, certain types of political activities prohibited for state employees. These restrictions protect employees from political pressure in the performance of their jobs.

There are NO restrictions on the following political activities:

- Voting
- Expressing opinions as private citizens
- Attending political rallies as spectators
- Lawful, voluntary political contributions

Examples of PROHIBITED political activities for state employees are listed below. The restrictions listed represent only a partial list of the major political activities which are prohibited for state employees. Please call the Department’s Legal Office for clarification on any particular questions or for additional information regarding political activities or the definition of public office.
$ Be a candidate for any national, state or local paid public office or court of record
$ Hold any public office or be a member of any political party committee whether paid or unpaid
$ Be a delegate to any state or national political party or convention OR be a member of any national, state or local committee of a political party
$ Serve as a Ballot Commissioner or election worker inside a polling place
$ Sell tickets to a political event to employees
$ Serve as a campaign treasurer or financial agent

Alcohol and Drugs in the Workplace/Tobacco Control

State Board of Education Policy 2422.5, *Substance Abuse and Tobacco Control* requires the Department to ensure that its workplaces are free of alcohol, illegal drugs and controlled substances by prohibiting the use, possession, purchase, distribution, sale or presence in the body system, without medical authorization. This is applicable while employees are engaged in any work-related activity which includes performance of Department business during regularly scheduled work days and meal breaks having a connection with the job or agency. The unlawful possession, use, manufacture, distribution or dispensation of alcohol, illegal drugs or a controlled substance; the reporting to work under the influence of illegal drugs, alcohol or a controlled substance without medical authorization; the presence of a non-medically prescribed controlled substance, illegal drugs or alcohol in the body system; or possession of drug paraphernalia are all prohibited in the workplace.

Employees will not be disciplined for voluntarily seeking assistance for a substance abuse problem. However, any employee charged with use, possession and/or distribution of alcohol, illegal drugs or a controlled substance at the work site and/or on state property will be subject to legal and/or administrative disciplinary procedures.

Tobacco Control Policy

The West Virginia Department of Education maintains a smoke-free workplace. Policy 2422.5 restricts the use of any tobacco product at any time by any person in any building or other property owned or operated by the Department or by a county board of education or Regional Education Service Agency. This policy includes private buildings, automobiles or other vehicles used for school activities and Department functions when students and staff are present.

Employees are prohibited from smoking within fifteen feet adjacent of any entrance, exit, operable window or ventilation intake of a State-owned or leased office building.

Confidentiality

Employees may be exposed to information that must remain confidential. Employees are
prohibited from disclosing confidential information. Violation of confidentiality may be grounds for disciplinary action.

**Solicitations**

Direct or indirect political solicitation on state property or at any state work site is prohibited. Nonpolitical solicitation, sales and/or distribution of literature or merchandise by state employees are prohibited on state property or at any work site without the written permission of the Deputy Superintendent of Schools.

**Membership Fees**

The Department may pay organizational membership fees for individuals in accordance with fiscal office procedures. Membership procedures may be found on the Procedures section of the Office of Internal Operations website, located at http://wvde.state.wv.us/internaloperations/.

Participation in, and recognition by, professional organization(s) is important to staff members and the Department. The holding of offices and committee assignments places obligations on staff members that involve expenditure of time and money. The expenditures must be carefully weighed against the benefits to the Department. Therefore, before agreeing to accept any office or committee assignment which requires such expenditures of state time and money, approval must be obtained from the Assistant State Superintendent.

**Internal Operations Procedures**

The Office of Internal Operations website has several required procedures and other resources relating to manner in which financial matters are required to be submitted. These various resources are available on this office’s website located at the following address: http://wvde.state.wv.us/internaloperations/.

These resources relate to (but are not limited to) the following procedures: purchasing, vendor registration, inventory, travel reimbursement, employee reimbursement, payroll, grants, as well as other resources such as forms. If you have questions beyond the information contained herein, you are directed to contact the appropriate staff in this office before proceeding with your project.

**Electronic Information Systems**

West Virginia Board of Education Policy 2460, *Safety and Acceptable Use of the Internet by Students and Educators*, establishes criteria for the safety and acceptable use of the Internet by students, educators, school personnel and the West Virginia Department of Education employees. The Department’s electronic systems are provided for the business of the
organization. All e-mail correspondence is the property of the Department. The State Superintendent of Schools or designee has the right to access and disclose all correspondence sent over the Department’s e-mail server and network. Employees are prohibited from gaining or attempting to gain access to another employee’s file or e-mail correspondence without approval; however, the State Superintendent or designee has the right to enter an employee’s e-mail correspondence whenever there is a business need to do so. Additionally, employees’ creating, storing, sending or viewing inappropriate materials may result in disciplinary action and/or dismissal.

Employees shall cease use of the computer if a virus has invaded her/his computer and shall report the problem immediately to the Office of Technology and Information Systems.

**Personnel Action Forms**

Any official action relating to personnel shall be approved through a Personnel Action Form. Actions include, but are not limited to:

- New employment
- Address/name change
- Salary Advancement
- Salary Adjustment
- Resignation/Suspension/Dismissal/Termination
- Retirement
- Reduction In Force
- Leave of Absence
- Transfer
- Return to Duty

Personnel information required for completing a Personnel Action Forms should be obtained from the Office of Internal Operations or Office of Human Resources.

**Telephone Calls**

All Department telephones are for conducting the business of the organization. The Department recognizes that employees may have an occasional need to make or receive a personal call. These calls shall be held to a minimum. If an employee must make a personal long distance call while at work, a personal calling card/credit card, cell phone or collect call shall be used.

Personal cell phone use in the work place should be minimal. Personal business should be conducted during breaks or lunch. Ringers should be set on vibrate or silence during the work day as a professional courtesy.
Use of Department Property

Employees have the responsibility to use Department property in accordance with the following.

- An employee is prohibited from using, for other than officially approved activities, Department property of any kind, including property leased to the Department.
- An employee has an obligation to protect and conserve Department property, including equipment, supplies and all other state property.
- Any state-owned or leased property which is lost or misplaced must be reported to the employee's immediate supervisor within twenty-four (24) hours of discovery of the loss.
- State vehicles are to be used for official business only. Accident instructions in case of an accident, a credit card and operating manuals are located in vehicle glove compartments or in transportation notebooks.

Benefits Related to the Performance of State Duties

Credit Cards – Inherent in the performing of their jobs, state employees are often required to travel. Within certain guidelines, the state has arranged for each employee to be offered a credit card to which travel expenses may be charged. The extension of this privilege will be within appropriate guideline and is currently dependent upon the employee’s personal credit record. Regardless of this stipulation, the card is restricted in usage to only be used for bona fide expenses incurred in the conduct of official state business. Personal charges on the card and funds withdrawn as cash advances for other than official state business are prohibited. Language to this effect is stamped on the face of the card as well as it being clearly defined in the cardholder application. For more details regarding the usage, regulations or prohibitions of this privilege, please see the Fiscal Office.

Telephone Credit Cards/Charges – State employees are often required to utilize telephones or modem access in conducting business of the state. As such, long distance cards or automated computer access procedures are established with certain individuals. Only official state business is to be conducted using these tools. Personal usage is prohibited. For more details regarding the usage, regulations or prohibitions of this privilege, please see the Fiscal Office.

Note also, that travelers away from home are allowed to call home once daily and claim actual expenses not to exceed the amount set by the State Auditor to check in with their families. These expenses are not to be charged on the long distance card. Instead they are paid for out of pocket and reimbursed to the employee on their travel settlement form.

Building Access
All Department of Education employees working in the Capitol Complex are issued a building access proximity card for entering any Capitol Complex Building. These cards are issued for the following time parameters:

- **6:00 a.m. – 7:00 p.m.** Five days a week
- **7:00 a.m. – 7:00 p.m.** Seven days a week including holidays
- **24 hour access** Seven days a week including holidays

Changes in time frames for building access cards must be approved by the office director and submitted in writing to the Office of Human Resources.

If an employee access proximity card fails to work, an Access Card Modification Form must be filled out in the Office of Human Resources for reissue from the Department of Administration. If a card is lost or misplaced, the employee must contact the Office of Human Resources and pay for a replacement card. Employees temporarily without a building access card must access the building by undergoing the same screening procedures required for visitors and other non-employees.

**Travel**

All travel requests shall be submitted on-line through the Human Resource Management System (HRMS) at [http://wveis.k12.wv.us/nclb/hrms/signon.cfm?CFID=12214169&CFTOKEN=26445361&jsessionid=84305ad2d740ebc36ea769711042716e4f70](http://wveis.k12.wv.us/nclb/hrms/signon.cfm?CFID=12214169&CFTOKEN=26445361&jsessionid=84305ad2d740ebc36ea769711042716e4f70). All travel shall be approved in advance by the executive director/immediate supervisor and other appropriate staff as designated by the State Superintendent and shall be in compliance with applicable state travel regulations. West Virginia Travel Regulations may be viewed at [http://www.state.wv.us/admin/purchase/travel/default.html](http://www.state.wv.us/admin/purchase/travel/default.html).

**State Vehicles/Rental Cars**

State and rental vehicles are to be used for official business only. Accident instructions in case of an accident, a credit card and operating manuals are located in state vehicle glove compartments or in transportation notebooks.

**Department of Administration Purchasing Division Vehicle Lease Terms and Conditions**

- All travel must be for official State business. No personal business or travel is authorized or permitted
- Seat belts must be worn at all times
- All state of WV and other applicable motor vehicle laws, including speed limits must be obeyed
- No smoking is allowed in the vehicle
- Alcohol or illegal drugs are prohibited at all times
- Cell phone usage should be prohibited during the operation of a vehicle
- All drivers must have a current, valid WV driver's license
- Vehicle must be locked at all times when not in use
- Employees agree to driver training as required by Lessor

**Conflicts of Interest**

Department employees are bound by W. Va. Code §6B-1-1, *West Virginia Governmental Ethics Act*. This Act establishes a code of conduct to guide employees and help them avoid conflicts between their personal interests and public responsibilities. The publication “A Guide to the West Virginia Ethics Act provides an overview of the act and may be viewed at http://www.ethics.wv.gov/SiteCollectionDocuments/Brochures_Booklets_Misc_Forms/Ethics%20Booklet%202012-2009.pdf.

**Communication Standard Operating Procedures**

Procedures have been adopted and will be enforced by the West Virginia Department of Education to ensure that the department produces quality media projects with consistent messaging and branding.

All department publications/media (both hard copy and electronic) must be designed/printed by the Communications Office and approved in advance by the executive director, Office of Communications. Hard copy and electronic publications include, but are not limited to: newsletters; reports; manuals; handbooks; brochures; logos; posters; directories; conference agendas and materials; banners; web applications, videos and any other electronic publications related to the department's programs, services or operations.

Violation of the West Virginia Department of Education guidelines set forth in this section of the Employee Handbook will be reviewed by the state superintendent, deputy state superintendent and an individual’s immediate supervisor.

**Integrated Marketing Communication Plan Development and Relationships with Media**

All integrated marketing communication plans (advertising, marketing, public relations and new media) for the WVDE will be developed and managed from the Communications Office.

News releases shall be developed by the Communications Office and approved by the executive director of the Office of Communications. Department employees should not
contact the media directly about newsworthy matters without first discussing them with the executive director of the Office of Communications.

Staff members receiving calls from the media must be prepared to be responsible for information provided or should refer the caller to the executive director of the Office of Communications and/or the deputy or state superintendent.

Staff members contacted while they are conducting meetings or workshops in the counties are expected to respond to those inquiries within their scope of work. Such information should be factual and consistent with the policies of the State Board of Education.

Under all circumstances, the executive director of the Office of Communications and the deputy or state superintendent must be notified as soon as possible regarding information provided to the media.

**Department Stationery**

Employees are required to use official department stationery for conducting department business. Use of any other stationery for department business is prohibited. Personal use of department stationery for personal business is also prohibited. At no time are employees permitted to use the state’s mail system for personal, incoming/outgoing mail.

An approved WVDE nametag template will be used if individual offices order permanent name tags (hard plate, engraved).

**Department Web and Publication Design/ Videos/Printing/Duplication**

The department maintains a graphic arts, video, web design and print shop to ensure high quality publications. All design for any WVDE document/publication (both hard copy and electronic) must be developed by the internal graphic design office. All duplication services of documents/CD/DVDs must be produced by the internal print shop. To use these services, appropriate work orders must be approved by the executive director, Office of Communications. Work is to be requested through the requisition system found on the WVDE WebTop.

Protocol for video, graphic design and printing procedures including checklists and timelines are available on the requisition application found on the WebTop.

The WVDE has adopted a standard web design template. All WVDE web pages will be housed within the approved template. In addition, all WVDE website addresses must fall within the WVDE domain name (wvde.state.wv.us) unless approved by the Communications Office. A specific procedure has been established for adoption of outside domain names for
special promotional/marketing circumstances. Contact the Communications Office for details.

The Communications Office must design and print materials for any meeting/conference with more than 25 participants or any meeting/conference with a duration of more than one day.

Floor and office printers/copiers are for 25 or fewer impressions. Twenty-six or more impressions must be submitted to the internal print shop.

The Communications Office must duplicate CDs or DVDs exceeding a total of ten.

All publications/materials/media that result from the paid work time and/or prescribed duties of staff members will remain the property of the department and the department will retain all rights and privileges pertaining to ownership.

**Online Communication**

The Office of Communications will approve all publications/media that are to be posted on the WVDE website or disseminated via listserv. Publications include, but are not limited to, PowerPoint presentations, videos, electronic brochures, electronic newsletters, electronic announcements for conferences, electronic press releases, electronic conference agendas, electronic handbooks and electronic directories. It is required that these documents are saved as PDFs prior to placement on any WVDE website page.

The production of all West Virginia Department of Education videos, vodcasts, podcasts, multi-media CD-Roms and other removable media, blogs, wikis and electronic forums shall be reviewed by the Communications Office from inception to completion to ensure that media projects meet industry standard and department policy.

**Logo Use**

The Communications Office is responsible for ensuring West Virginia Department of Education guidelines are followed regarding the use of official logos on documents, websites, PowerPoints, videos and other multi-media.

There are several internal documents produced by employees that do not fall under the design and printing guidelines adopted by the WVDE. In such cases, the official WVDE logo should be requested through the Communications Office. It is vitally important that these documents be formatted into a PDF so that WVDE property cannot be altered. Requests by outside organizations for the WVDE or state Board of Education logo must be approved in writing by the Communications Office.

Any use of the WVDE logo without the permission in writing from the WVDE Communications Office will be considered a copyright infringement. For a full description of logo use and standards, visit the Communications Office.
Social Media
The Communications Office maintains FaceBook, YouTube and Twitter accounts for the WVDE. Individual office or project social media accounts must be approved by the Communications Office. Any request for a FaceBook or YouTube page will be created as a sub-group to the official WVDE accounts. Additional Twitter accounts must be approved by the Communications Office. Any other social media activity by WVDE divisions or offices should be discussed with the Communications Office.

Copyright
Department staff must provide verification in writing if any copy written materials are used in publications or duplicated.

Purchases and Outside Bids for Integrated Marketing Communications Plans, Software and other Media
In rare cases, a WVDE employee may need to purchase design or video software for specific projects. In such cases, all media software and hardware purchases by individual offices, including but not limited to color printers, video production, print publishing, multimedia, screencast, etc., shall be reviewed by the department’s Technology Office and approved by the Communication Office prior to purchase to ensure consistency with department guidelines and standards.

Only in cases when an integrated marketing communications plan, graphic design, print or media project cannot be produced internally shall employees proceed to the outside bid process. Employees must follow department policies and purchasing procedures and include a review by the Communication Office to guarantee consistency. Bids for graphic design, print or media production projects under twenty-five thousand dollars will be sought by the Communications Office. In addition, bids as well as RFPs and RFQs, shall include input and approval from the Communications Office.

In addition to the standard purchasing requirements, a waiver shall be obtained from the Communications Office for all graphic design, print and media projects specifying reasons for external bid. Again, a waiver will only be approved if services cannot be performed internally.

Parking Assignments
The Department of Administration allocates a limited number of parking spaces to the Department of Education located at different parking lots around the Capitol Complex. The Capitol Complex parking unit operates in accordance with West Virginia Code §5A-4-5 and its Legislative Rule.
To be fair and equitable, parking spaces are assigned to Department of Education employees based on seniority with the State of West Virginia or at the discretion of the State Superintendent. Procedures for Filling Department of Education Parking Spaces are established to post and award vacant parking spaces to the most senior applicant. Parking procedures and related forms are located at http://wvde.state.wv.us/hr/. Employees are notified by email when a vacant parking position is posted. To apply for a vacant parking position, visit the Human Resources Management System (HRMS) at http://wveis.k12.wv.us/nclb/HRMS/Signon.cfm?CFID=12214169&CFTOKEN=26445361&jsessionid=84305ad2d740ebc36ea769711042716e4f70.

Upon receiving a parking space, employees shall sign a WV Capitol Complex and State Owned Parking Lots Parking Space Use Agreement Form and a West Virginia State Building Commission Acceptance and Payroll Deduction Authority Form authorizing payroll deduction. Employees shall not sublet parking spaces. Subletting or displaying forged/fake parking decals will result in the loss of the privilege to secure an assigned parking space and perhaps other disciplinary action.

If an employee no longer desires a parking space, the access card and placard must be returned to the Office of Human Resources for reassignment. Replacement fees are required for the loss of access cards or placards.

Workplace Security

It is the policy of the State of West Virginia to take reasonable measures to ensure the health, safety and welfare of State employees while in the buildings or on the grounds of the State Capitol Complex and all other State government workplaces. The West Virginia Division of Personnel Policy prohibits the possession of any firearm or dangerous/deadly weapon or the exhibition of threatening behavior or language for State government workplaces and within the Capitol Complex. The Workplace Security Policy may be found at http://www.state.wv.us/admin/personnel/emprel/POLICIES/Worksec2.pdf.
SECTION VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action

Suspensions or Dismissal

Grievance Procedure

Time Limits
VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action

The purpose of the disciplinary action is to communicate to an employee that certain actions are inappropriate or are in violation of Department policies and procedures.

Employees have the obligation to keep themselves informed of all policies, rules and regulations by which they are governed. Employees are expected to meet standards of conduct and performance expectations and to adhere to applicable state and federal laws and regulations, as well as applicable State Board of Education policies and directives from the State Superintendent of Schools or designee. Failure to meet such standards, adhere to rules, regulations, policies and directives may result in disciplinary action up to and including termination at the discretion of the State Superintendent. Any actions by employees which reflect discredit on their employer or the state or which hinder the effective performance of State Board or Department functions may also be cause for disciplinary action, up to and including the termination, at the discretion of the State Superintendent.

An employee may be suspended without pay or may be dismissed from employment. Examples of reasons for suspension or dismissal include, but are not limited to, misuse of state funds or property, insubordination, incompetence, unsatisfactory performance, intemperance, willful neglect of duty, job abandonment, immorality, cruelty, violation of the policy relating to alcohol and drugs in the workplace, fraud, the conviction or guilty plea or a plea of nolo contendere (do not wish to contend) to a felony charge, violation of the race, gender, religion/ethnic or violence policy. Suspension or dismissal may be effective immediately without regard to implementation of an improvement plan at the discretion of the State Superintendent.

Suspension or Dismissal

The State Superintendent may suspend or terminate any employee of the Department at any time with or without notice, cause or compensation. The following procedure shall be utilized in suspension or dismissal cases:

- Recommendations to suspend or dismiss an employee may originate with the immediate supervisor and shall be presented in writing with documented reasons for the action to the Deputy or Assistant State Superintendent.
- The Deputy or Assistant State Superintendent or designee shall inquire into the matter and, if warranted, recommend suspension or dismissal to the State Superintendent.
- Should an employee be suspended or dismissed, proper written notice shall be sent to the employee by certified mail return receipt requested.
Grievance Procedure

Employees of the West Virginia Department of Education are covered by the West Virginia Public Employees Grievance Procedure (W.Va. Code '6C-2-1, et seq. and §6C-3-1, et seq.). This law ensures that State Board employees have an equitable and consistent procedure for the resolution of grievances.

The intent of the Grievance Procedure is to foster an environment in which grievances can be resolved at the lowest possible administrative level. The Legislature also intended that management and employees use this procedure in an atmosphere of cooperation which will balance the rights and interests of the employees, management and the citizens of the state.

The basic steps of the Grievance Procedure are outlined below. More detailed information, including copies of all required forms, can be obtained at the West Virginia Public Employees Grievance Board web site (http://pegboard.state.wv.us/).

**STEPS OF THE PROCEDURE**

"Days," for purposes of filing or responding to grievances, means working days.

**Level one** - W. Va. Code § 6C-2-4 (a)(1)
- File grievance form with the chief administrator within fifteen (15) days of the grievable event. Indicate whether a conference or a hearing is desired. The grievant must also submit a copy of the grievance form to the West Virginia Public Employees Grievance Board, 808 Greenbrier Street, Charleston, West Virginia 25311.
- Chief administrator must hold the conference or hearing within ten (10) days of receipt of written grievance and issue written decision within fifteen (15) days of the chosen proceeding.

**Level two** - W. Va. Code § 6C-2-4 (b)(1)
- Grievant may appeal the chief administrator decision within ten (10) days of receiving the Level one decision. Indicate which method of alternative dispute resolution is desired.
- The alternative dispute resolution proceeding is to be scheduled within twenty (20) days and the outcome of this proceedings is to be documented, in writing, in fifteen (15) days.

**Level three** - W. Va. Code § 6C-2-4 (c)(1)
- Grievant may appeal to the Grievance Board within ten (10) days of the level two decision to request a level three hearing. A copy of this appeal must be sent to the employer.
- The grievant must select whether to request a level three hearing or to submit the case on the level one hearing record.
• A Level three hearing, if requested, is to be held within a reasonable time following the request. **Note: In practice, hearings are usually held on a date agreed upon by the parties.**

• The Administrative Law Judge must issue a written decision within thirty (30) days of the hearing. **Note: If the parties agree to file proposed findings of fact and conclusions of law, the Board considers the 30-day deadline to be automatically extended until the agreed date.**

**NOTE: WAIVER TO LEVEL THREE**

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

*Matters Excluded from the Grievance Procedure*

The following are not legitimate grievance matters.

! when authority to act is not vested with the employer
! relating to public employee retirement
! relating to public employees insurance

**Time Limits**

The specified time limits may be extended to a date certain by mutual written agreement, and shall be extended whenever a grievant is not working because of accident, sickness, death in the immediate family or other cause for which the grievant has approved leave from his or her employment.

The grievant prevails by default if a required response is not made by the employer within the time limits established in this article, unless the employer is prevented from doing so directly as a result of injury, illness or a justified delay not caused by negligence or intent to delay the grievance process.

Within ten days of the default, the grievant may file with the chief administrator a written notice of intent to proceed directly to the next level or to enforce the default. If the chief administrator objects to the default, then the chief administrator may request a hearing before an administrative law judge for the purpose of stating a defense to the default, as permitted by subdivision one of this subsection, or showing that the remedy requested by the prevailing grievant is contrary to law or contrary to proper and available remedies. In making a determination regarding the remedy, the administrative law judge shall determine whether the remedy is proper, available and not contrary to law.
SECTION VII. SEPARATIONS

Resignation
Retirement
Reduction in Force
Dismissal
Death
VII. SEPARATIONS

A separation from employment occurs when an employee (1) resigns, (2) retires, (3) is laid off because of lack of work or shortage of funds, (4) is terminated from a limited term appointment, (5) transfers from one state agency to another or (6) is dismissed.

All employees who leave the employment of the Department must complete an exit interview scheduled by the Office of Human Resources. During the exit interview, the employee is required to return all assigned Department property, including but not limited to employee picture ID card, building access card, parking access card and placard, building and office key(s), telephone and credit card(s) and all Department equipment. Failure to receive clearance of Department property results in a delay in processing the employee's final paycheck.

Employees may contact the Office of Human Resources, Public Employees Insurance Agency and the Retirement System for more complete information concerning benefits on separation.

Resignation

Employees who plan to resign are asked to give two weeks written notice prior to their last day of work. The notice should state the reason for the resignation. This written notice of the resignation must be submitted to the State Superintendent with copies to the immediate supervisor, Deputy or Assistant State Superintendent and the Office of Human Resources. Employees who resign are entitled to payment for accrued annual leave not to exceed 40 days.

Retirement

Employees who retire are entitled to be paid for all accrued annual leave not to exceed 40 days. Employees may elect not to receive payment for accrued annual leave and may apply this balance as well as any accrued sick leave balance toward extended insurance coverage or to acquire additional credited service in the retirement system.

Eligible retirees may elect medical insurance coverage for themselves and their eligible dependents and optional life insurance for themselves; however, participation is NOT automatically continued at the time of retirement. The retiree must complete new enrollment cards to continue coverage.
Reduction In Force

Due to a lack of need or funding, it may become necessary for the Department to institute a Reduction In Force (RIF) plan. Employees shall be notified in writing 15 working days in advance of the effective date if they are to be affected by the RIF. An employee who receives such notification should contact the Office of Human Resources to discuss other possible employment opportunities. Upon written notification to the Office of Human Resources, RIF’d employees are assured notification of all job vacancies in the Department for a period of one year after they have been RIF’d and will be given preferential treatment based on qualifications and prior job performance. If placement is not possible before the layoff date, the employee will be given information about his or her rights under the West Virginia Unemployment Compensation Plan.

Laid-off employees will be paid for accrued annual leave not to exceed 40 days. An employee's sick leave is restored if recalled to employment.

Laid-off employees who are participating members of the Public Employees Insurance Agency will have continued basic health and life insurance coverage for themselves and basic health insurance coverage for eligible dependents for the entire month of separation plus an additional three months following the month of separation, at no additional cost to the employee. Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), laid-off employees and eligible dependents may continue their medical insurance coverage at their own expense for an additional 18 months beyond the mandatory three-month extension period. The 18 month maximum period may be extended to 29 months for COBRA beneficiaries who are disabled on the date insurance coverage terminates.

Laid-off employees may apply for returns of retirement contributions provided they have not reached age 60 and become eligible for an annuity at the time of layoff; however, all credited service is forfeited on withdrawal of the contributions. Laid-off employees may wish to consider leaving their retirement contributions invested with the fund to ensure future retirement benefits.

Unemployment compensation is available to laid-off employees who are able and available to accept suitable, full-time work and who meet base period income (previously earned income) and all other requirements of the Employment Security Commission.

Dismissal

Employees who are dismissed have the right to file a grievance with the West Virginia Public Employees Grievance Board. Dismissed employees are entitled to be paid for all accrued annual leave not to exceed 40 days. All accumulated sick leave is cancelled as of the effective date of the dismissal or last day worked during the separation from employment notice period.
Death

Upon the death of an employee, a balance of accrued annual leave not to exceed 40 days is paid in a lump sum to the estate of the deceased employee. Annuity benefits may be available through the Retirement System to the beneficiary. (Contact the Retirement System.)

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), the surviving legal spouse and eligible dependents of a deceased employee who was a PEIA participant may elect to continue medical coverage at their own expense.