

**WEST VIRGINIA DIVISION OF HOMELAND
SECURITY AND EMERGENCY MANAGEMENT**

PERSONNEL POLICIES AND PROCEDURES



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5000 - GENERAL PROVISIONS.

- 5000.1 Authority. -- West Virginia Code §15-1J and § 15-5, et Seq.
- 5000.2 Preamble. -- The West Virginia Division of Homeland Security and Emergency Management (WVDHSEM) establishes these policies and procedures to provide for the sound administration of personnel management for WVDHSEM and its employees. The policies and procedures are intended to recognize employee rights while protecting the interests of WVDHSEM to fulfill its goal and to comply with all applicable federal and state legal requirements. In the event of conflict with any legal requirement, then these policies shall not apply to WVDHSEM and its employees.
- 5000.3 Appointing Authority. -- The WVDHSEM Director is the appointing authority for the WVDHSEM. WVDHSEM may delegate any personnel management functions in writing, including approval of further delegation beyond the initial designee. WVDHSEM shall maintain a written record of all approved delegation of personnel management authority.
- 5000.4 Awareness. -- WVDHSEM shall ensure that all employees have been properly oriented to the workplace and are aware of all applicable laws, regulations, policies and procedures.
- 5000.5 Compliant. -- All WVDHSEM managers and supervisors are accountable for compliancy with these policies and procedures and any applicable laws, regulations and executive orders.
- 5000.6 Employee Responsibility. -- Covered employees are required to know and comply with these policies and procedures and any applicable laws, regulations, and executive orders.
- 5000.7 Personnel Records
 - (a) WVDHSEM shall maintain personnel records in written or electronic form. -- WVDHSEM shall designate a records custodian who is accountable for the maintenance, confidentiality and access, and disposition of all records as required by federal and state laws and these policies and procedures.
 - (b) Official personnel file. -- WVDHSEM shall maintain an official personnel file for all current employees during their tenure and for former employees in compliance will all applicable federal and state laws. The official personnel file shall include the following records and information: name, work history, salary, changes in



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

- (c) Access. -- Information from an employee's official personnel file shall be released under the following conditions:
 - (1) When requested by the employee or by an individual with written authorization from an employee;
 - (2) Agency officials on a need-to-know basis;
 - (3) Agency officials. Employees in normal line of duty;
 - (4) A person acting in response to a court order or subpoena; or
 - (5) In response to a Freedom of Information Act request as determined by the FOIA representative.
- (d) Medical Records. -- All medical records shall be maintained in a separate file that is not part of the employee's official personnel file. Disclosures from employee records kept by WVDHSEM shall be made only in accordance with applicable federal and state law.

5000.8 Correction of errors. -- The WVDHSEM Director will determine if a manifest error has occurred and to correct the error.

5000.9 Interpretation and Application. --The WVDHSEM may use his discretion in the interpretation and application of these policies and procedures when deemed necessary in support of the goals of WVDHSEM.

5000.10 Amendments. -- The WVDHSEM may amend these Policies and Procedures as it becomes necessary.



5100 - DEFINITIONS.

- 5100.1 Annual increment. -- An annual lump sum payment to eligible employees based on qualifying years of service.
- 5100.2 Annual leave. -- An earned employee benefit of paid time off from work with prior approval of the appointing authority or designee.
- 5100.3 Appointing Authority. -- The Director WVDHSEM of West Virginia as established in WV Code §15-1, et Seq.
- 5100.4 Appointment. -- The act of hiring an applicant for employment.
- 5100.5 Assignment. -- The placement of a position in a job title by the WVDHSEM.
- 5100.6 Agency. -- The state agency established pursuant to WV Code §15-5, et Seq.
- 5100.7 Covered employee. -- Any employee of the WVDHSEM who is paid wholly or in part by federal funds.
- 5100.8 Day. -- Unless otherwise specified, the use of “day” means calendar day.
- 5100.9 Demotion. -- A change in status of an employee from a job in one salary range to a job in a lower salary range for cause or a reduction in an employee’s pay to a lower rate in salary range assigned to current job.
- 5100.10 Division of Personnel. -- The division in the Department of Administration responsible for the system of personnel administration for the classified and classified-exempt service.
- 5100.11 Effective Date. -- The established date an action takes effect.
- 5100.12 Evaluation. -- The assessment of an applicant’s education, work experience and fitness qualifications against the minimum qualification for a job.
- 5100.13 Exempt employee. -- An employee who is not eligible for overtime und the Fair Labor Standards Act (FLSA.)
- 5100.14 Family Sick Leave. -- (80) hours of the employee’s accrued sick leave balance per calendar year that can be used for the healthcare of an immediate family member.
- 5100.15 FLSA. -- Fair Labor Standards Act.



- 5100.16 Fitness. -- Suitability to perform all essential duties of a position by virtue of meeting the minimum qualifications and any other requirements for a job established by WVDHSEM.
- 5100.17 Grievance. -- A complaint filed by a regular employee in accordance with the grievance process.
- 5100.18 Immediate Family. -- Consists of parents, children, siblings, spouse, parents-in-law, grandparents, grandchildren, step-parents, step-siblings, stepchildren, foster children, individuals in an *in loco parentis* relationship and legal guardians.
- 5100.19 Initial Employment. -- The original employment of an employee for a vacant regular position.
- 5100.20 Job description. -- The official description of a job class approved by WVDHSEM which describes the nature of work, illustrative examples of the work performed, and knowledge, skills and abilities required, and state the generally accepted minimum qualifications required for employment.
- 5100.21 Knowledge, skills and abilities. -- Qualifications and personal attributes required to perform a job that are generally demonstrated through qualifying education and experience.
- 5100.22 Last day of pay. -- The calendar date and hour an employee's pay ceases.
- 5100.23 Last day of work. -- The last calendar date and hour an employee is physically on the job.
- 5100.24 Layoff. -- A reduction in the number of employees due to reduced workload, curtailment of funds or reorganization.
- 5100.25 Manifest error. -- An act or failure that is or has clearly caused an error.
- 5100.26 Minimum qualifications. -- The least experience and/or training required by WVDHSEM for employment in a job and to make application for a job.
- 5100.27 Non-exempt employee. -- An employee who is eligible for overtime under FLSA.
- 5100.28 Oasis CPU. -- WV State central processing unit manages its financial, human resources, procurement and other administrative business processes.



- 5100.29 Part-time employee. -- Any employee working less than the full-time work schedule established by WVDHSEM.
- 5100.30 Position. -- An authorized and identified group of duties and responsibilities assigned by WVDHSEM.
- 5100.31 Probationary employee. -- An employee in an initial working test period from initial employment.
- 5100.32 Probationary period. -- An initial working test period not to exceed twelve (12) months from initial employment.
- 5100.33 Promotion. -- The assignment of an employee by WVDHSEM from a position in one job to a position in another job having a higher salary range.
- 5100.34 Reassignment. -- The changing of a job title of a position from one job title to another job title due to significant changes in the duties and responsibilities and assignments or the revision of a job title plan.
- 5100.35 Reemployment. -- The return to employment of a former regular employee.
- 5100.36 Regular employee. -- An employee hired for initial employment and who has successfully completed the probationary period for the job.
- 5100.37 Resignation. -- The voluntary separation of an employee from employment with WVDHSEM.
- 5100.38 Salary adjustment. -- A salary change resulting from an across-the-board or general wage increase mandated by the Governor, the Legislature or The WVDHSEM, a performance increase or a probationary increase.
- 5100.39 Salary schedule. -- The official schedule of salaries approved by the WVDHSEM.
- 5100.40 Separation date. -- The last day of pay after the ending of the employment relationship.
- 5100.41 State service. -- The total eligible state employment time that may be used to determine the rate of accrual for annual leave.
- 5100.42 Suspension. -- A disciplinary action for a specified period of time in which an employee is not permitted to work and is not paid.



- 5100.43 Temporary employee. -- A person hired in a limited-time appointment not to exceed 1040 hours in a twelve-month period.
- 5100.44 Termination. -- The involuntary separation of an employee from employment with WVDHSEM.
- 5100.45 Transfer: -- The movement of an employee by WVDHSEM from one geographic location to another location or from one organizational unit to another unit.



5200 - JOB TITLES AND DESCRIPTIONS.

5200.1 Policy. -- Given the objective and funding sources of WVDHSEM, job descriptions shall be a general statement of broad categories or duties and responsibilities. WVDHSEM shall have the discretion to change job duties and responsibilities of any employee as the purpose and staff levels require.

5200.2 Procedure

- (a) Position Descriptions. -- A position description form shall be completed for each position or group of similar positions. The position description shall include a statement of the general purpose of the position, a description of the current duties and responsibilities assigned by proper authority and other pertinent information. The position description shall not limit WVDHSEM ability to alter the duties of a position at any time. The position description shall be updated whenever significant changes are made in the duties and responsibilities of a position.
- (b) Job Descriptions. -- WVDHSEM shall prepare a description for each job showing the job code, title, general nature of work, essential functions, required knowledge, skills and abilities, minimum requirements of education and work experience, and other special requirements such as licensure or certifications. The statement of minimum education and experience requirements and any other requirement shall be the basis for the recruitment and selection of applicants and for the promotion and assignment of employees to positions. In cases of recruitment difficulties or unique job requirements, The WVDHSEM or his designee may use his discretion in interpreting minimum education and experience requirements and other qualifications and in accepting equivalent experience, training and/or licensure. The job description shall not limit WVDHSEM of The WVDHSEM or his designee to alter the duties of a position at any time.
- (c) Assignment of Positions. -- No position shall be filled until it has been authorized by The WVDHSEM Director with approved title, an approved job description and assigned salary range.



5300 - SALARY ADMINISTRATION

For DOP employees:

Pursuant to the provisions of the W. Va. Code § 29-6-10(2), the following salary regulations in this section apply to classified employees. The DOP Director, upon approval of the State Personnel Board (Board), shall establish a policy to implement the provisions of this section.

- 5300.1 Purpose and Intent. -- The purpose and intent of the pay plan is to attract and retain qualified employees in the classified service, the Board shall provide through the pay plan compensation based on equal pay for equal work and market rates as compared to compensation trends in other public and private organizations.
- 5300.2 Preparation of the Pay Plan. -- After consultation with the appointing authorities and State fiscal officers and after a public hearing, the DOP Director and the Board shall prepare and submit the pay plan to the Governor. The pay plan shall include salary schedules containing multiple compensation ranges with minimum and maximum rates of compensation for each range and a plan of implementation. The Board may make periodic amendments to the pay plan in the same manner.
- 5300.3 Adoption of the Pay Plan. -- The plan or revised plan becomes effective only after it has been approved by the Governor. The approved pay plan constitutes the official schedule of salaries for the classified service.
- 5300.4 Implementation of the Pay Plan.
 - (a) Assignment of Classes. -- The Board shall assign each class of positions to an appropriate range of compensation consistent with the duties outlined in the class specification. No salary range shall be approved by the DOP Director unless it conforms to sound compensation practices.
 - (b) Entry Salary. -- The entry salary for any employee shall be no less than the minimum of the compensation range for the job classification. The DOP Director may authorize appointment above the minimum for an individual possessing pertinent training or experience above the minimum required for the class. The DOP Director may authorize appointment at a rate above the market rate where the appointing authority can substantiate severe or unusual recruiting difficulties for the job class.
 - (c) Standard Rates of Pay. -- The pay plan provides standard compensation rates for all classes of positions in the classified



service unless specifically exempted by statute or statutory authority. The salary or wage paid is determined by the compensation range to which the class of the position has been allocated. All employees, including those serving in positions on a part-time basis, shall be paid in proportion to the actual time worked.

- (d) **Additional Pay.** -- Appointing authorities shall make no additions to the regular salary of any employee except for authorized overtime, Board approved pay differentials and monetary incentives, or other statutorily required and/or authorized payments.
- (e) **Availability of Funds.** -- The appointing authority and its fiscal officer will certify that funds for salary adjustments are available.
- (f) **Salary Adjustments.**
 - (1) **Establishment of a New Pay Plan.**
 - (A) Upon adoption of a new pay plan the Board shall require and may approve or modify a plan of implementation which ensures incumbents in the classified service receive equal treatment based on sound compensation practices.
 - (B) An incumbent whose salary falls below the minimum rate of the new compensation range shall have his or her salary adjusted to the new minimum.
 - (2) If an employee has been demoted or reallocated to a class at a lower compensation range and is promoted or reallocated within the next twenty-four (24) months within the same agency, the following procedure shall be used when calculating pay on promotion as provided in subdivisions 5.5.a and 5.5.b, of this rule. The promotional increase shall be calculated based on the compensation range of the employee's position prior to the demotion or reallocation, using the employee's current rate of pay plus any amount by which the employee's pay was reduced at the time of the demotion or reallocation. If, based on this procedure, no promotional increase is due, the employee's pay shall be increased by the amount his or her pay was reduced, if any, at the time of the demotion or reallocation.
 - (3) Employees may receive compensation above the maximum of the compensation range of their job class as a result of



legislative mandates or other exceptions approved by the Board.

- 5300.5 Additional Increase. -- The Director may authorize additional incremental increases, as established by the Board, to an employee being promoted if the employee has sufficient qualifications in excess of the minimum required for the new class. The employee must possess pertinent experience or an equivalent amount of pertinent training for each additional incremental increase granted. In no case shall the additional incremental increase cause the employee's pay to exceed the maximum for the compensation range.
- 5300.6 Pay on Demotion.
- (a) Demotion Without Prejudice. -- The appointing authority has the discretion to reduce or not reduce the pay rate of any employee who is demoted without prejudice if the employee's pay rate is within the compensation range of the job class to which the employee is demoted.
 - (b) Demotion With Prejudice. -- The appointing authority shall reduce the pay rate of an employee who is demoted with prejudice by at least one (1) increment as established by the Board and the employee's pay rate shall not exceed the maximum of the new compensation range.
- 5300.7 Pay on Lateral Class Change. -- Any employee who receives a lateral class change shall be paid the same salary received prior to the change except in cases where the change is to an agency or job class for which the Board has approved, or the Legislature has authorized, a higher compensation range for the job class.
- 5300.8 Pay on Reinstatement. -- The salary for an employee who is reinstated shall be established in accordance with subdivision 5.4.b of this rule.
- 5300.9 Salary Advancements. -- Salary advancements are limited to permanent employees and shall not exceed the increase amount established by the Board and administered by the Director.
- 5300.10 Annual Increment Increase. -- The Board may establish uniform procedures which shall be followed by all State agencies and spending units for providing an annual increment increase provided for in W. Va. Code § 5-5-2.



5400 - OTHER EMPLOYMENT AND CERTAIN VOLUNTEER ACTIVITY.

5400.1 No employee shall hold other public office, have conflicting employment, or participate in conflicting volunteer activity while in the classified service.

- (a) For DOP personnel the determination of the conflict shall be made jointly by the appointing authority and the Board, or may be specifically delegated by the Board to the appointing authority, who shall consider whether the other employment or volunteer activity:
(1) will be in conflict with the interests of the agency; (2) will interfere with the performance of the employee's official duties; (3) will use or appear to use information obtained in connection with official duties which is not generally available to the public; or, (4) may reasonably be regarded as official action.

- (b) For MA personnel the determination of the conflict shall be made by the appointing authority and shall consider whether the other employment or volunteer activity: (1) will be in conflict with the interests of the agency; (2) will interfere with the performance of the employee's official duties; (3) will use or appear to use information obtained in connection with official duties which is not generally available to the public; or, (4) may reasonably be regarded as official action.



5500 - CONDITIONS OF EMPLOYMENT.

5500.1 Business Hours.

- (a) Generally, the core hours during which WVDHSEM remains open for business are 7:30 a.m. to 4:00 p.m., Monday through Friday.
- (b) Watch Center operates on a 44/7/365 basis and employees work on a rotating shift schedule. During periods of activation of the State Emergency Operations Center, employees required by the response may work rotating shifts outside of their normal work hours.
- (c) WVDHSEM may vary an employee's work hours through alternative scheduling to meet the goals of the agency.
- (d) WVDHSEM may require an employee to work additional hours beyond the normal work day when necessary due to workload or emergencies.
- (e) WVDHSEM shall maintain accurate records of all employee hours of work and leave accumulated and used via the State Authorized Kronos system or other legacy system.
- (f) Any employee paid out of grant funds must maintain an activity log which captures the correct funding source, date, time, and activity with enough specificity to document eligible work.

5500.2 Standards of Conduct. -- In addition to the requirements of any applicable federal and state laws, the following standards of conduct shall apply to all Agency employees;

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



and with agency policies and directives.

- (b) Prohibited Conduct;
 - (1) use his or her position for personal gain or benefit;
 - (2) put himself or herself in a position where another could expect official favor;
 - (3) accept or solicit directly or indirectly a gift, gratuity, favor, entitlement or loan that is designed to influence official conduct;
 - (4) directly or indirectly use government property, resources or equipment for other than official business unless such use is authorized by WVDHSEM;
 - (5) engage in outside employment which conflicts with the full and proper discharge of duties and responsibilities of the position held or which impairs the ability of the employee to properly perform the duties of the position;
 - (6) restrict an employee from joining or participating in activities of employee organizations; and
 - (7) an employee shall not take any punitive action against another employee which interferes with their exercise of any rights granted under federal or state law or these policies.

- (c) Employment of Family Members. -- No employee shall take any action to cause or influence the employment, promotion, reassignment, transfer or advancement of a family member. No employee shall directly supervise a member of his or her immediate family, or anyone that they are romantically involved with. In the event that an employee, through marriage, adoption, etc., is placed in a prohibited relationship with a family member, or intimate partner the situation shall be resolved within thirty (30) calendar days by transfer or reassignment of one of the employees.

- (d) Outside Employment. -- Covered employee shall not engage in outside employment which conflicts with the full and proper discharge of assigned duties and responsibilities. Outside employment includes any job, contract or work agreement made with another employer including self- employment. Covered



employees must disclose and request approval to engage in outside employment. Note: WVDHSEM will determine if the outside employment;

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

5500.3 Probation Period. -- The probationary period is a trial work period designed to allow the agency the opportunity to evaluate the ability of the employee to effectively perform the work of the position and their adjustment to the program and the agency.

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



5500.4 Performance Appraisal

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

5500.5 Political Activities.

- (a) WVDHSEM shall not appoint, promote, demote or dismiss or in any way favor or discriminate against any person with respect to such employment because of his or her political affiliations so long as they are not disruptive to the work place. Nothing in this subsection shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found



to be disloyal to the national government.

- (b) No person shall seek or attempt to use any political endorsement in connection with any appointment with WVDHSEM.
- (c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage to a position with WVDHSEM or any increase in pay or other advantage in employment for any position, for the purpose of influencing the vote or political action of any person or for any candidate.
- (d) All covered employees are subject to the provisions of the Hatch Act for State and Local Government Employees restricting political activities, and should consult the relevant Act before engaging in political activities.

5500.6 Training and Development.

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

5500.7 Dress, Grooming and Personal Hygiene.

- (a) Policy. -- It is the policy of WVDHSEM for all covered employees to present a neat, conservative appearance which is consistent and compatible with the professional nature of our operation and organization. The following dress, grooming and personal hygiene standards are developed based on several factors including neatness, cleanliness, safety, professional image and appearance. The standards are reasonable, enforceable and will contribute to a favorable public perception of our employees and



WVDHSEM. WVDHSEM reserves the right to address any dress, grooming or personal hygiene issue not specifically covered in this subsection. Finally, WVDHSEM will accommodate religious requirements and medical conditions of employees in the application of this subsection.

- (b) Dress. -- Business casual is the expected style of dress for Agency employees unless otherwise stated in the following paragraphs. Each section director shall be responsible for ensuring compliance with WVDHSEM dress standards.
 - (1) Clothing should be clean and reflect a high standard of personal hygiene.
 - (2) Business Formal attire shall be worn when interacting with the Governor's Office, members of the Legislature, court appearances, or other appropriate times.
 - (3) Clothing which reveals too much cleavage, back, stomach or underwear is prohibited.
 - (4) Torn, dirty or frayed clothing is not permitted.
 - (5) Clothing that states or alludes to obscenity, violence, sex, or advertise alcohol, tobacco, or illegal substances are prohibited; clothing with potentially offensive words, terms, logos, pictures, cartoons or slogans are not acceptable.
 - (6) An employee engaged in any type of hazardous or specialized duty may be required to wear protective clothing and equipment or specific uniform appropriate for the work as determined by WVDHSEM and in compliance with applicable federal and state laws. Employees may be required to remove jewelry if restricted by regulation or the hazardous nature of the job duties or work environment.
 - (7) Dress heels, loafers, boots, flats, leather-type deck shoes, or other sturdy shoes are acceptable. Flip flops are not permitted. Closed toe and closed heel shoes are required in building and grounds, warehousing and equipment maintenance work. Safety shoes may be required in appropriate work environments.
 - (8) Jewelry should be in good taste and may be restricted according to the job duties. Visible body piercing other than



earrings is not allowed.

- (9) Hats are not appropriate in the office setting. Head covers required for religious purposes or to honor cultural traditions are permitted.
 - (10) Makeup should have a conservative and natural appearance. Some employees maybe allergic to the chemicals in perfume, so these substances should be worn with restraint. Fingernails shall be neatly trimmed and at a length which does not interfere with job duties.
 - (11) Employees shall at all times keep their bodies free of offensive odors.
- (c) Grooming. -- Hair must be kept neatly trimmed at all times consistent with an appropriate business appearance. Specific issues related to such appearance will be addressed by the immediate supervisor with a final determination by the WVDHSEM Director, if necessary.
- (d) Compliance. -- If dress, grooming and personal hygiene fail to meet these standards, as determined by WVDHSEM, the employee will be asked not to wear the inappropriate item to work again or to correct the grooming or personal hygiene issue. With the next violation, the employee will be sent home to change clothes or to correct the grooming or personal hygiene issue and will receive a written warning. Annual leave shall be charged for lost worktime in this regard. Additional progressive discipline measures will be applied if dress, grooming and personal hygiene violations continue.



5600 - DISCIPLINE.

- 5600.1 Progressive Discipline. -- WVDHSEM shall apply progressive discipline as a timely and effective response to employee performance deficiencies or misconduct. Depending on the nature of the infraction, one or more of the progressive discipline steps may be by- passed. Progressive discipline may include the following;
- (a) oral reprimand;
 - (b) written reprimand;
 - (c) suspension; or,
 - (d) termination.
- 5600.2 Suspension. -- WVDHSEM may suspend an employee without pay for cause for a period of time consistent with the severity of the infraction or misconduct. This can be accomplished in either hours or days. The employee shall be provided a written statement of the reasons for the suspension, the period of suspension and the appeal rights.
- 5600.3 Administrative Leave. -- When an allegation of misconduct has been made against an employee that is not yet substantiated, WVDHSEM may place the employee on administrative leave pending the outcome of an investigation. This leave may be paid or unpaid. If unpaid, an employee may use their accrued annual leave.
- 5600.4 Demotion. -- WVDHSEM may demote a regular employee for cause. The employee shall be provided a written statement of the reasons for the demotion, the effective date of the action and appeal rights.



5700 - SEPARATIONS.

- 5700.1 Resignation. -- An employee shall resign in writing. Any such notification of resignation, if accepted, shall be confirmed in writing. Once a resignation has been accepted, it may not be withdrawn, cancelled or amended without the consent of the WVDHSEM Director or designee. Employees are encouraged to provide a minimum of two weeks notice of resignation. A verbal resignation shall be considered job abandonment and basis for termination.
- 5700.2 Layoff. -- WVDHSEM may initiate a layoff due to lack of work, shortage of funds, abolition of jobs, material changes in the work or organizational structure or to permit reinstatement of employees released from periods of military service in the armed forces of the United States.
- (a) The program manager or equivalent level personnel shall develop a plan for the layoff describing;
 - (1) the reason for the layoff;
 - (2) the organizational units affected by the layoff; and,
 - (3) a list of employees in each job title affected by the layoff in order of retention.
 - (b) Order of Separation. -- In the event of a layoff, employees shall be separated in the following order;
 - (1) temporary employees in the affected organizational unit;
 - (2) probationary employees by job title in the affected organizational unit;
 - (3) regular employees by job title in the affected organizational unit on the basis of tenure with WVDHSEM.
 - (c) Notice. -- WVDHSEM shall provide written notice of a layoff at least 15 days in advance to each employee being separated giving the reasons, the effective date, and an explanation of recall rights.
 - (d) Recall. -- For a period of one year a regular employee separated as a result of a layoff shall be considered in the applicant pool for all jobs in the same or lower salary range for which the employee is qualified.



WVDHSEM

5700.3 Budget Constraints. -- Due to budget constraints selected employees may be asked to work part-time.



5800 - GRIEVANCE PROCEDURE.

- 5800.1 If the employees is a DOP employee, they should consult the DOP grievance procedures available at www.personnel.wv.gov.

- 5800.2 If the employee is a MA employee, they should consult the MA grievance procedures



5900 - HOLIDAY AND LEAVE

5900.1 Policy. -- Regular attendance and punctuality are important to the pursuit of the agency operation. Employees are held accountable for the proper use of leave. This includes requesting leave as much in advance as possible, providing sufficient information for the reviewing manager/supervisor to balance the needs of the employee with the staffing needs of the agency, to prevent leave abuse and to comply with all legal requirements. Improper or unauthorized use of leave may result in denial of paid leave or corrective or disciplinary action. All leave requests, including vacations, must be coordinated through and approved by the reviewing manager/supervisor. Note: It is the intent of WVDHSEM that this section be interpreted and applied in such a manner as to not diminish the holiday and leave benefits granted to employees of WVDHSEM under the provisions of Section 14 of the West Virginia Division of Personnel in effect immediately preceding the establishment of the WVDHSEM.

5900.2 Holidays.

(a) Paid official holidays are:

- (1) New Year's Day
- (2) Martin Luther King's Birthday
- (3) President's Day
- (4) Memorial Day
- (5) West Virginia Day
- (6) Independence Day
- (7) Labor Day
- (8) Columbus Day
- (9) Veteran's Day
- (10) Thanksgiving Day and the day after
- (11) Christmas Day
- (12) Any day on which a Primary, General or Special election is held throughout the State, and such other days as the President, Governor or other duly constituted authority proclaim to be official holidays or days of special observance or thanksgiving or days for the general cessation of business. Provided that an election held on a Saturday is not an official holiday as provided in this subsection.

(b) When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday. When a holiday falls on a Saturday, the previous Friday shall be observed as the official holiday. When Christmas or New Year's day occurs on Tuesday, Wednesday, Thursday or Friday, the last half of the scheduled



workday immediately preceding the holiday will be given as time off not to exceed four (4) hours.

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

5900.3 Annual Leave.

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

Years of Service	Accrual Rate in Pay Period (Equal to)		Carry Forward Rate (Hours Equal to)
	Hours:Minutes	in Decimal	
Less than 5 years	4:37	4.62	240
5 years but less than 10	5:33	5.55	240
10 years but less than 15	6:28	6.47	280
15 or more years	7:24	7.40	320

- (b) **Minimum Charge.** -- The minimum charge against annual leave shall be one quarter (1/4) hour.
- (c) **Separation from Employment/Terminal Annual Leave.** -- WVDHSEM shall pay an employee who separates from



employment by layoff, resignation, retirement or death for all accrued and unused annual leave according to one of the following methods:

- (1) An employee may elect to be paid in bi-weekly installments at his or her usual rate of pay as if employment were continuing until the pay period during which the accrued annual leave is exhausted. If the last day for which leave payment is due falls before the day on which the pay period ends, terminal annual leave payment for those days within that pay period shall be calculated using the hourly rate for the half-month in which the last day on payroll occurs.
 - (2) Any eligible employee as defined in WV Code §5-5-1, who is separated from employment by resignation, layoff, retirement or death may be paid in a lump sum for accrued annual leave. Lump sum terminal annual leave payment shall be calculated as if employment were continuing until the pay period during which the accrued annual leave is exhausted. The lump sum payment shall be made by the time of what would have been the employee's next regular pay day had his or her employment continued.
 - (3) An employee who is terminated shall be paid in lump sum for any accrued leave in accordance with the West Virginia Wage Payment Collections Act.
 - (4) An employee who retires may elect not to receive payment for any or all terminal annual leave and may apply the balance toward extended insurance coverage under guidelines established by the Public Employees Insurance Agency or to acquire additional credited service in the appropriate state retirement system.
 - (5) No deductions may be made for contributions toward retirement from the payment of terminal annual leave. Annual and sick leave do not accrue during the payment of terminal annual leave.
- (d) When Sick Leave is Exhausted. -- Annual leave, if requested, shall be granted in circumstances when sick leave or sick leave allowance for an employee's immediate family is exhausted. The provisions of subsection 10.4(f) regarding the necessity for a physician's statement apply when annual leave is used under



these circumstances.

5900.4 Sick Leave

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

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

- (b) Physician's Statement.
 - (1) Within two (2) days of return to work, an employee shall furnish a prescribed statement from the attending physician/practitioner for all consecutive sick leave granted beyond three (3) working days. If the physician/practitioner has placed restrictions on the employee's work activities, then the employee must furnish the statement immediately upon return to work. The statement must specify that the employee was unable to work and the period of incapacity or that the employee's absence was due to illness or injury of an immediate family member.
 - (2) In the absence of a physician's statement, the entire absence shall be charged to unauthorized leave in accordance with subsection 10.7 and the employee's pay shall be docked the following pay period for the entire period of absence. The employee shall be notified in writing that his or her pay is being docked.
 - (3) For extended periods of sick leave, a practitioner statement confirming the need for extended leave must be submitted within thirty (30) days of the start of the sick leave and must indicate a date the employee will return to work or a date for additional medical evaluation. Failure to produce the required document(s) is grounds to terminate further sick leave benefits and WVDHSEM shall place the employee on unauthorized leave and notify the employee of such action.
- (c) Return to Less than Full Duty. -- WVDHSEM may permit an



employee to return to work at less than full duty. WVDHSEM may deny a return to work at less than full duty under the following conditions;

- (1) the employee cannot perform the essential duties of the position;
- (2) the nature of the duties may aggravate the employee's medical condition; and,
- (3) approval of the request would require more than a reasonable accommodation.

(d) Approval of return to work at less than full duty shall not exceed 90 days provided that extensions may be granted by WVDHSEM under the same conditions.

(e) Transfer of Sick Leave. -- When an employee transfers from WVDHSEM to another state agency, all hours of accrued sick leave shall be transferred to the other agency within thirty (30) calendar days.

(f) While on Annual Leave. -- An employee who becomes ill and is admitted to a hospital or emergency room while on previously approved annual leave may request that all or part of the time spent in the hospital or emergency room be charged to sick leave. The employee must provide document(s) listing the specific dates of hospitalization or emergency room services.

5900.5 Suspected Leave Abuse. -- When an employee's leave use becomes so frequent as to render his or her services undependable, WVDHSEM may require appropriate substantiation of the employee's claim for leave. In extreme instances WVDHSEM may use progressive discipline to address suspected leave abuse up to and including dismissal.

5900.6 Unauthorized Leave. -- When an employee is absent from work without authorization for sick or annual leave, WVDHSEM shall dock the employee's pay in the next pay period for an amount equal to period of absence.

5900.7 Leave Without Pay.

(a) Leave Without Pay. -- WVDHSEM has the discretion to grant a regular or probationary employee a leave of absence without pay for a period not to exceed one year. Both the request for leave and the approval shall be in writing.



- (b) Family Leave. -- WVDHSEM shall comply with the provisions of WV Code §21-5D-1 et Seq., the Parental Leave Act (PLA) and 10 USC §2601-2654, the Family Medical Leave Act (FMLA) of 1993.
- (c) Medical Leave.
 - (1) Upon written application, WVDHSEM shall grant a covered employee a medical leave without pay not to exceed six (6) months within a twelve (12) month period provided:
 - (A) The employee 1) has exhausted all sick leave and makes application no later than fifteen (15) calendar days following the expiration of all sick leave or 2) has elected not to use sick leave for a personal injury received in the course of an resulting from covered employment with WVDHSEM in accordance with WV Code §23-4-1 and makes application no later than fifteen (15) days following the date on which the employee filed a claim for Workers' Compensation;
 - (B) The employee's absence is due to an illness or injury which is verified by a physician/practitioner stating that the employee is unable to perform his or her duties and giving a date for the employee's return to work or the date the employee's medical condition will be reevaluated;
 - (C) A physician's statement is submitted each time the employee's condition is reevaluated to confirm the necessity for continued leave; and,
 - (D) The disability is not of such a nature as to render the employee permanently unable to perform his or her duties.
 - (2) No later than five (5) days following the employee's sick leave WVDHSEM shall mail to the employee a written notice of the employee's right to a medical leave of absence without pay and informing him or her that the leave will not be granted if the request is not filed within the limits specified in subsection 11.7(c) (1) (A) of these Policies and Procedures.



(d) End of Leave

- (1) At the expiration of the leave of absence without pay, the employee shall be returned to duty to either his or her former position, or one of comparable pay and duties, without loss of rights, unless the position is no longer available due to a reduction- in-force.
- (2) If the leave of absence without pay was granted due to personal illness, the employee must furnish document(s) indicating the ability of the employee to return to work. WVDHSEM may permit an employee to return to work at or before the expiration of the leave of absence at less than full duty under the conditions specified in subsection 10.4(c).
- (3) Failure of the employee to report promptly at the expiration of a leave of absence without pay is cause for dismissal.

5900.8 FMLA/PLA. -- Note: The following section is intended to be used as a reference guide to federal Family and Medical Leave and the West Virginia Parental Leave Acts. The general information it contains should not be construed to supersede any law, rule, or policy. In the case of any inconsistencies, the statutory and regulatory provisions shall prevail. This version of the guide supersedes all previous versions. This section is written with the understanding that the WVDHSEM is not engaged in rendering legal services. If legal advice or assistance is required, the services of an attorney should be sought. Supervisors should also refer to policies, rules and regulations as well as consult with the human resources office within his or her respective agency. When Agency employees or supervisors have issues or questions relate to FMLA or PLA, it is recommended that Human Resources be contacted.

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

- (a) Eligibility. -- An employee requesting FMLA leave must have been employed by WVDHSEM for a total of at least twelve (12) months at the time of the leave of absence and must have worked at least 1250 hours in the 12-month period preceding the leave.
- (b) Coverage. -- The maximum leave permitted during a 12-month period is 12 weeks (480) hours for eligible employees under



general leave conditions. The maximum leave permitted during a 12-month period is 26 weeks (1040) hours for eligible employees under covered service member caregiver leave or general and covered service member caregiver leave combined.

- (c) Types of Leave. -- Job protected unpaid family and medical leave will be granted to eligible employees for any one or more of the following reasons:
 - (1) General Leave for Birth of an employee's son or daughter; adoption of a child by the employee, or official placement of a child with the employee for foster care; in order to care for the spouse, son, daughter, or parent having serious health condition or the employee's own serious health condition;
 - (2) Covered Service Member Exigency Leave for a qualifying exigency arising while the employee's spouse, son, daughter or parent is a covered service member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Qualifying exigency activities include, but are not limited to issues arising from a covered members short notice deployment, military ceremonies, program events and related activities, certain childcare and related activities arising from the active duty or call to active duty, making financial arrangements, attending counseling related to the active duty or call to active duty status, to spend time with a covered service member on short-term leave during deployment, attending certain post-deployment activities or any other event that the exigency leave may be taken for an adult son or daughter, including the employee's biological, adopted or foster child, stepchild or legal ward.
 - (3) Covered Service Member Caregiver Leave for an eligible employee who is the spouse, son, daughter, parent or nearest blood relative of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty and is actively receiving medical treatment, is entitled to up to 26 weeks (1040 hours of leave in a 12-month period to care for the service member. WVDHSEM will require certification from the military that the service member is recovering from a serious illness or injury sustained in the line of duty on active duty and is actively receiving medical treatment.



- (d) Notice. -- The employee must provide a thirty (30) day notice if the requested leave is foreseeable and as much notice as is practicable for unforeseeable circumstances.
- (e) Use of Other Accrued Paid Leave. -- The employee must exhaust any accrued annual and sick leave before using unpaid FMLA leave when applicable. When the employee has used all appropriate paid leave for a portion of FMLA leave, the employee may request unpaid leave to be granted so that the total period of leave (paid and unpaid) equals 12 weeks (480 hours) or 26 weeks (1040 hours) depending on the reason for the leave. All paid and unpaid leave taken for a FMLA qualifying event shall be applied toward the employee's FMLA leave entitlement.
- (f) Intermittent Leave Use. -- An employee may take FMLA leave on an intermittent basis or work a reduced schedule if medically necessary for his/her own serious health condition, the serious health condition of an immediate family member or for a covered service member leave or qualifying exigency. Intermittent leave under FMLA is not available for birth, adoption or foster care. The employee shall make all reasonable efforts to schedule intermittent leave use so as not to unduly disrupt the tasks and operations of the work unit or WVDHSEM.
- (g) Continuation of Benefits. -- An employee granted FMLA leave will continue to be covered under the group health insurance plan and retirement plan under the same conditions as coverage would have been provided if he/she had been continuously working during the leave period. Therefore, the employee will remain responsible for their share of monthly premiums and/or contributions. If the employee does not return to work after FMLA leave for reasons other than their medical condition, then WVDHSEM may require the employee to reimburse for the employer's share of benefits paid during the period of FMLA leave.
- (h) Employee Rights. -- Upon return to work, an employee shall be returned to the position they held prior to the FMLA leave or to a substantially equivalent position with substantially equivalent pay, benefits and other conditions of employment; provided, if the employee's position would have been eliminated or the employee would have been terminated but for the FMLA leave, then the employee would not have reinstatement rights from FMLA leave. Use of FMLA leave shall not be used as a basis for disciplinary action regarding attendance.



- (i) **Medical Certification.** -- WVDHSEM may require certification of the employee's or family member's serious health condition by a licensed health care practitioner as it deems appropriate for the circumstances.
- (j) **Other Certifications.** -- When leave is taken due to a qualifying exigency, the employee must provide a copy of covered service member's active duty orders or other documentation of the call to active duty in support of a contingency operation.
- (k) **Return to Work.** -- When the FMLA leave is taken due to the employee's own serious health condition, the employee must submit a Fitness for Duty medical release from a licensed health care provider releasing the employee to return to work and to perform the duties of the position.

5900.9 Military Leave.

- (a) **State Active Duty and Reserve Military Service.** -- In accordance with the provisions of WV Code §15-1F-1(a), all officers and employees of the State who are members of the National Guard or of any of the reserve components of the armed services of the federal government are entitled to a leave of absence from employment without loss of pay, status, or efficiency rating, on all days during which they are engaged in drills or parades, or for examination to determine fitness for duty, inactive duty training, funeral honors duty for the State or federal government, active duty for training or active service for the State all to include reasonable travel time to and from the duty location, for a maximum period of thirty (30) working days, not to exceed 240 hours in any one calendar year when ordered or authorized by proper authority. The term "without loss of pay" means that the employee continues to receive his or her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation during the same period. Furthermore, the leave of absence is considered as time worked for the agency in computing seniority, eligibility for salary increase and experience with the agency. The terms of this subdivision do not apply under the provisions of any military selective service act. An employee shall provide to the appointing authority advance written or verbal notification of an obligation or intention to perform military duty and such written orders or other documentation must provide (1) prior to beginning this military duty and (2) in order to receive compensation under subpart (a) and/or (b.) None of the unused days of military leave for which an officer or employee is



eligible under this subdivision may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided in this subdivision only in the year he or she is called to active duty, and in subsequent years only after he or she has been discharged from military duty and returned to State employment; provided, an officer or employee in any pay status on the first working day of the calendar year shall be immediately eligible for thirty working days of military leave for the new calendar year

- (b) Federal Active Duty. -- In accordance with the provisions of WV Code §15- 1F- 1(b), all officers and employees of the State who are ordered or called to active duty by properly designated federal authority are eligible for an additional leave of absence from employment without loss of pay, status, or efficiency rating for a maximum period of thirty (30) working days, not to exceed 240 hours for each single call to active duty, active duty for training, initial active duty for training, or full-time National Guard duty, all to include reasonable travel time to and from the duty location. All officers and employees of the State called to federal active duty or full- time National Guard duty who have not used all or some portion of the thirty (30) working days of military leave granted by subdivision (a) of this subsection are eligible to use those unused days in the same calendar year prior to using the thirty (30) days for which they are eligible under this subdivision, up to a maximum of (60) days for a single call to active duty. None of the unused days for which an officer or employee is eligible under subdivision (a) may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided in subdivision (a) of this subsection only in the year he or she is called to active duty, and, in subsequent years, only for a subsequent call to duty and only after he or she has been discharged from military duty and returned to State employment. The term “without loss of pay” means that the employee shall continue to receive his or her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation from federal or state sources during the same period.
- (c) Other than as provided in subdivision (b) of this subsection, any employee hired for permanent employment entering the US armed services in time of war, national emergency or under compulsory provisions or law of the US in time of peace shall be granted a leave of absence from his or her service with the agency. Upon completion of and discharged the armed services and within the applicable time period prescribed by federal statute,



rule or regulation regarding return to employment, the employee has the right to resume his or her service with the agency without any prejudice to his or her status, merit rating or standing by reason of the absence, in accordance with subdivision 11.9 of these policies and procedures. An employee shall be credited with all annual leave and sick leave not used at the commencement of his or her military leave in accordance with subdivision 11.9 of these policies and procedures. This subdivision shall not be construed:

- (1) As an attempt to enlarge or to extend the length of employment of any temporary or to create a definite term where no definite term with respect to the position previously existed;
- (2) As providing that the salary paid by the agency shall continue to be paid to the employee while he or she is not performing the duties of his or her position with the state because of the services with the armed forces of the United States; or,
- (3) As having precedence over the provisions of any applicable federal statute, rule or regulation regarding military leave or reemployment rights with which this subdivision is inconsistent or in conflict including, but not limited to, the Uniformed Services Employment and Reemployment Rights Act.

5900.10 Court, Jury and Hearing Leave.

- (a) Upon application in writing, a covered employee shall be granted leave with pay when, in obedience to a subpoena or direction by proper authority, he or she serves upon a jury or appears as a witness before any court or judge, any legislative committee, or any officer, board or body authorized by law to conduct any hearing or inquiry. This subsection shall not apply where the employee is a litigant, defendant or other principal party or has a personal or familial interest in the case or proceeding.
- (b) The employee shall furnish written confirmation of jury duty or other court directive as WVDHSEM may require.



6000 - VEHICLE USE.

- 6000.1 Employees of WVDHSEM are only permitted to drive State vehicles for official use only. Whether a particular use is “official” is a matter of administrative discretion. All factors must be considered including whether the use is essential to the successful completion of a federal function, activity, or operation, as well as consistent with the purpose for which the motor vehicle was acquired.
- 6000.2 When questions arise about the official use of a motor vehicle, the questions shall be resolved in favor of strict compliance with statutory and regulatory provisions.
- 6000.3 All Agency employees must sign and return the vehicle and fuel card forms to the Fleet Manager.
- 6000.4 All employees must have a copy of their driver's license on file before being permitted to drive a state vehicle. Additionally, all drivers must complete on line driver's safety training annually.
- 6000.5 Accidents.
 - (a) In the event of minor accident exchange driver information and report the accident to your supervisor and the agency fleet manager as soon as possible.
 - (b) In the event of a major accident, exchange driver information and report the accident to your supervisor and fleet manager after receiving medical attention. The fleet manager will arrange someone to visit the wreck to photograph everything, recover state property from the vehicle and return the employee to the work place, if necessary.
 - (c) The fleet manger will get the police report number and LEO contact information, notify BRIM of the accident as well as the asset management function in WVDHSEM.
- 6000.6 Parking Fees.
 - (a) Parking fee reimbursement should be done with the travel voucher unless it is *de minimis*. In the event of have to use a parking meter for state business, such reimbursement will be recorded and submitted to Finance and Administration on a monthly basis.
 - (b) If a receipt is available, it should be provided with the travel



voucher when that is submitted.

- (c) Any request for reimbursement shall indicate the grant or program to which the cost should be charged.



6100 - ALCOHOL AND DRUG FREE WORKPLACE.

6100.1 WVDHSEM is committed to providing a work environment that is safe, productive and secure by eliminating the presence or use of alcohol, illegal drugs and controlled substances in the workplace; and also the presence of such drug or alcohol in the body system without medical authorization. Therefore, employees are prohibited from:

- (a) Possessing, consuming, purchasing or selling, illegal drugs or controlled substances.
- (b) Reporting to work impaired.
- (c) Driving a vehicle impaired.

6100.2 All employees are subject to drug and alcohol screenings. Refusal to test or avoidance of a drug or alcohol test after becoming aware of such, is grounds for immediate dismissal.

6100.3 Any employee found violating this policy or convicted of violating any criminal drug statute will be subject to disciplinary action up to and including termination.

6100.4 This policy is applicable to employees and contractors.

6100.5 As a condition of employment all employees will:

- (a) Abide by the terms of this policy statement.
- (b) Notify his or her supervisor of any criminal drug statute conviction, no later than five (5) days after such conviction.



6200 - WORKPLACE SECURITY POLICY.

6200.1 Policy. -- WVDHSEM is committed to a violence-free workplace. WVDHSEM recognizes that violence in the workplace can seriously affect employee performance and morale and is detrimental to mission preparedness and operations. Therefore, WVDHSEM will not tolerate any type of workplace violence committed by or against employees.

6200.2 Definitions.

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

6200.3 Prohibited Conduct – the following conduct or behavior is prohibited in the workplace.

- (a) Causing physical injury to another person;
- (b) Making threatening remarks;
- (c) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- (d) Intentionally damaging Agency property or property of another employee;
- (e) Any employee who is a victim of violence on Agency property should contact his or her supervisor immediately. Any employee who knows or suspects that an unauthorized person, such as a fellow employee, visitor, vendor, or applicant for employment, possesses a firearm or other dangerous/deadly weapon, or that any person is engaged in threatening behavior or language while on



Agency property, should notify his or her supervisor immediately and, if necessary, Military Security Police or other local law enforcement officials. A threat is defined as any statement that indicates intent to do bodily harm. If a threat is made where an individual is in a posture to injure oneself or others (i.e. has a weapon or other harmful device, incites an altercation, exhibits violent behavior) the employee should immediately contact Military Security Police or dial 911 to notify local Law enforcement officials.

- (f) Workplace Searches: As a public employer, WVDHSEM may open and inspect public properties for a work-related purpose. WVDHSEM has the right and the obligation to inspect any and all locations and items, public and personal, contained within n Agency building or property, in the event of a threat or based upon reasonable suspicion that a dangerous or illegal item or weapon may be present which could present a hazard to the employee, the public, the building or property

6200.4 Domestic Violence - It is the intent of WVDHSEM to create a workplace free of all types of violence including domestic violence. WVDHSEM will take all reasonable measures to increase the workplace safety of victims of domestic violence. WVDHSEM acknowledges that employees who are victims of domestic violence should have the same rights, opportunities and benefits as all other employees. This includes keeping all requests for assistance confidential, making information available to other employees only on a "need-to-know" basis. Agency employees are encouraged to share protective orders or other non- contact orders with their immediate supervisor or manager.

6200.5 Enforcement - Any employee who violates this policy will be subjected to disciplinary action up to and including termination. Any manager or supervisor who fails to properly act upon employee complaints or on personal knowledge of conduct in violation of this policy shall be subject to disciplinary action up to and including termination. Non-employees engaged in threatening behavior or violent acts on Agency property will be reported to Military Security Police or local law enforcement officials and fully prosecuted.



6300 - WORKPLACE HARASSMENT POLICY.

6300.1 The purpose of this policy is to prescribe a work environment where illegal harassment based on sex (with or without sexual conduct), race, color, religion, national origin, ancestry, age, disability, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process) or status explicitly defined as protected under applicable State and federal law as well as nondiscriminatory hostile workplace harassment does not occur. Employees have the right to be free from harassment while in a State government workplace, and the State has the legal obligation to ensure that such harassment does not occur and that effective means of redress are available. This policy shall cover all independent contractors, volunteers, and employees of the WVDHSEM, including executive, administrative, classified, non-classified, exempt, and temporary employees affiliated with the WVDHSEM.

6300.2 Definitions.

- (a) Appointing Authority: The WVDHSEM Director or the designee of such, who is authorized to appoint employees in the classified or classified-exempt service.
- (b) Discriminatory Hostile Work Environment Harassment: Illegal harassment based on sex (with or without sexual conduct), race, color, religion, national origin, ancestry, age, disability, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process), or status explicitly defined as protected under applicable State and federal law.
- (c) Employee: Any person who lawfully occupies a permanent or temporary position with the State, or any affiliated political subdivision, and who is paid a wage or salary including, but not limited to, executive, administrative, classified, non-classified, exempt, seasonal and temporary employees. For the purpose of this document, "employee" shall also include authorized students and interns performing services for an employer under direct supervision irrespective of receipt of wages.
- (d) Employer: The WVDHSEM or any affiliated subdivision including, but not limited to, executive, administrative, classified, non-classified, or exempt.
- (e) Equal Employment Opportunity (EEO) Coordinator/Counselor: The agency employee selected by an appointing authority to advise employees and management concerning proper EEO procedures and to function as a liaison with the State EEO Office.



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



an intimidating, hostile, or offensive working environment.

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

6300.3 Illegal harassment is prohibited by the West Virginia Human Rights Act and Title VII of the Civil Rights Act of 1964 where such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

6300.4 Although some harassment may not violate existing discrimination laws, such behavior can result in a tort claim for intentional infliction of emotional distress. As such, all forms of harassment are prohibited.



- (a) This policy extends to employees while engaged in any work-/service- related activity which includes the performance of agency business.
 - (b) Further, this prohibition applies to independent contractors and volunteers while engaged in any work-/service-related activity in a workplace owned, leased, or operated by a public agency or entity.
- 6300.5 Any employee found to be in violation of this policy will be subject to disciplinary action up to and including dismissal.
- 6300.6 Management is potentially liable for acts of harassment in the workplace whether or not the source or target of harassment is another employee or a non-employee.
- (a) Liability for such acts can be imputed on the employer, unless the employer demonstrates that immediate and appropriate corrective action was taken upon notice of the improper conduct.
 - (b) Employees may also be held personally liable for harassment.
 - (c) Employees who experience third-party harassment shall also have standing to file claims for discrimination or harassment where employment opportunities or benefits are granted or a hostile environment is created because of an individual's submission to the employer's sexual advances or requests for sexual favors.
- 6300.7 Illegal harassment prohibited by State and federal anti-discrimination laws which includes words, conduct, or action, usually repeated or persistent, directed at a specific person that annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose.
- 6300.8 There are two legally recognized types of sexual harassment claims: (1) Quid Pro Quo Sexual Harassment, and (2) Hostile Work Environment Sexual Harassment. Such harassment involves verbal and/or physical conduct which may include, but is not limited to:
- (a) Sexually explicit or implicit propositions.
 - (b) Improper questions about an employee's private life.
 - (c) Sexually discriminatory ridicule, insults, jokes, or drawings.
 - (d) Undesired, intentional touching such as embracing, patting, or pinching.



- (e) Remarks directed against one's sex as a class or group.
- (f) Threatened, attempted, or actual sexual assault or rape.
- (g) Repeated sexually explicit or implicit comments or obscene and suggestive remarks that are unwelcome or discomfiting to the employee.
- (h) Offers of tangible employment benefits in exchange for sexual favors, or threats or reprisals for negative responses to sexual advances.
- (i) Sexual harassment by a supervisor of an employee of the same sex.

6300.9 Although the scope of The Civil Rights Act of 1964 does not extend to protect employees that are not members of a protected class from unlawful employment discrimination, an employee can still impute liability upon an employer for the infliction of emotional distress if the employer fails to take corrective action when an employee provides notice of nondiscriminatory workplace harassment that has subsequently created a hostile work environment for the employee.

6300.10 Nondiscriminatory Hostile Workplace Harassment consists of unreasonable or outrageous behavior that deliberately causes extreme physical and/or emotional distress. Such conduct involves the repeated unwelcome mistreatment of one or more employees often involving a combination of intimidation, humiliation, and sabotage of performance which may include, but is not limited to:

- (1) Unwarranted constant and destructive criticism.
- (2) Singling out and isolating, ignoring, ostracizing, etc.
- (3) Persistently demeaning, patronizing, belittling, and ridiculing.
- (4) Threatening, shouting at, and humiliating particularly in front of others.

6300.11 It is important to note that Nondiscriminatory Hostile Workplace Harassment claims are not within the jurisdiction of the State EEO Office.

- (a) Employees must address such complaints through their manager/supervisor, the West Virginia Public Employees Grievance Procedure, or litigation.



- (b) Complaints regarding illegal harassment shall be handled in accordance with established EEO procedures.
- (c) All information shall be held in strictest confidence and shall be disclosed only to appropriate individuals on a need-to-know basis to investigate and resolve the matter.

6300.12 While an individual alleging illegal harassment has a duty to promptly report the incident or complaint to the agency's EEO Coordinator/Counselor or his or her immediate supervisor, the individual also has the right to file such complaints with the West Virginia Human Rights Commission and/or the United States Equal Employment Opportunity Commission (EEOC).

6300.13 Responsibilities.

- (a) Employees have the responsibility to:
 - (1) Refrain from all forms of harassment.
 - (2) Promptly report allegations or observations of harassment to the appropriate individuals (i.e., supervisor, manager, EEO Coordinator/Counselor, or human resources).
 - (3) Fully cooperate in and not interfere with any employer-authorized investigation.
 - (4) Not retaliate against those who participate in the complaint and/or investigation process.
 - (5) Participate in required training.
 - (6) Acknowledge understanding of and compliance with this policy by signing the Prohibited Workplace Harassment Acknowledgment Form.
- (b) Appointing authorities have the responsibility to:
 - (1) Monitor the work environment to ensure that it is free of harassment.
 - (2) Promptly investigate complaints of harassment.
 - (3) Enforce this policy and take immediate and appropriate action to address violations.



- (4) Ensure that complainants, falsely accused individuals, and/or persons interviewed regarding complaints suffer no adverse impact in their employment or retaliation.
- (5) Ensure that confidentiality is maintained by keeping all information regarding a complaint of harassment in a separate, confidential file with access restricted to appropriate individuals on a need-to-know basis.
- (6) Ensure that all employees receive appropriate training and that supervisory personnel complete DoP training on the Prohibited Workplace Harassment policy.
- (7) Ensure that all required reports are provided to the State EEO Office.
- (8) Post the Prohibited Workplace Harassment Poster (Appendix B) at conspicuous locations throughout the agency.
- (9) Communicate this policy to all employees through inclusion in the orientation process of all new employees, and by making it readily available at all work locations.
- (10) Maintain the signed Prohibited Workplace Harassment Acknowledgment Form (Appendix A) in each employee's agency personnel file.

6300.14 Reference.

- (a) Federal.
 - (1) U.S. Const., amend. XIV. Executive Order 11246 of 1965, as amended. 8 USC 1324 et Seq., (Immigration Reform and Control Act of 1986).
 - (2) 29 USC 206(d) et Seq., (Equal Pay Act of 1963, as amended).
 - (3) 29 USC 621, et Seq., (Age Discrimination in Employment Act of 1967, as amended).
 - (4) 29 USC 701 et Seq., (Rehabilitation Act of 1973).
 - (5) 29 USC 791 et Seq., (Rehabilitation Act of 1992).
 - (6) 29 USC 2601 et Seq., (Family and Medical Leave Act of



1993).

- (7) 38 USC 4301 et Seq., (Uniform Services Employment and Re-employment Rights Act of 1994).
- (8) 42 USC 1981 et Seq., (Civil Rights Act of 1991).
- (9) 42 USC 12101 et Seq., (Americans with Disabilities Act of 1990).
- (10) 42 USCA 12101 et Seq., (Americans with Disabilities Act Amendments Act of 2008).
- (11) 42 USC 2000e(k) (Pregnancy Discrimination Act of 1978).
- (12) 42 USC 2000d-2000d-7, (Civil Rights Remedies Equalization Act of 1986).
- (13) 42 USC 2000e et Seq., (Title VII of the U.S. Civil Rights Act of 1964, as amended).
- (14) 42 USC 2000ff et Seq., (Genetic Information Nondiscrimination Act of 2008).
- (15) 29 CFR 1600-1699 (EEOC Uniform Guidelines).

(b) State

- (1) West Virginia Code § 5-11-1 et Seq., West Virginia Human Rights Act.
- (2) West Virginia Code § 5-15-1 et Seq., White Cane Law.
- (3) West Virginia Code § 21-3-19, Discrimination for use of tobacco products prohibited.
- (4) West Virginia Code § 21-5-17, Employers prohibited from discharging employees for time lost as volunteer firemen or emergency medical service attendant.
- (5) West Virginia Code § 21-5-18, Employers prohibited from discharging employees for time lost as emergency medical service personnel.
- (6) West Virginia Code § 21-5E-1 et Seq., Equal Pay for Equal Work for State Employees.



6400 - NONCONSENSUAL RECORDING DEVICES.

PROHIBITING THE USE OF NONCONSENSUAL RECORDING DEVICES IN THE WORK ENVIRONMENT.

6400.1 Applicability

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

6400.2 Due to the nature of the information discussed in a military environment, all personnel must take steps to safeguard classified information and appropriately handle unclassified information, to include for official use only and sensitive but unclassified information. Additionally, fostering trust and mutual respect within the workplace promotes an effective and safe work environment. However, informational safeguards and an effective work environment can be compromised by the surreptitious use of recording devices. Using recording devices to secretly record the conversations of fellow employees, managers, supervisors or other personnel causes a loss of trust and mutual respect among the workforce and could cause a breach of information assurance procedures. Effective immediately, recording devices will not be used in the workplace to record conversations unless:

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

6400.3 Failure to obey this policy may subject employees and military members to adverse administrative action or, if applicable, to discipline under the UCMJ or other criminal statutes.



6500 - BREAK & SMOKING POLICY.

6500.1 Unpaid Meal Breaks

- (a) All employees are authorized an unpaid 30-minute meal break per shift.
- (b) You may eat at your desk and continue to work and remain on the clock.

6500.2 Paid Breaks

- (a) All employees are authorized two 15-minute paid breaks per 8-hour shift.
- (b) These breaks may be combined at the discretion of the employee with the approval of the first line supervisor.

6500.3 Smoking

- (a) There are only designated areas on the Coonskin Campus where smoking is permitted. These are small structures behind several of the buildings and have ash trays. Smoking is not authorized in any other area, including parking lots, alley ways between buildings, outside areas or inside of any building.
- (b) No more than 6 five-minute breaks may be taken, and such breaks count against the 2 paid 15-minute breaks. Employees are encouraged to wash their hand before returning to work.
- (c) Disposing of smoking trash in authorized containers. Under no circumstances will cigarette butts, matches, wrappers or other trash be thrown on the ground or otherwise improperly disposed of.
- (d) Users of e-cigarettes, pipes and cigars must follow the same rules as cigarette smokers on campus.
- (e) Smoking is strictly forbidden in any state vehicle, state building or around aircraft.



6600 - WORKPLACE SAFETY.

- 6600.1 Purpose/Objective. -- Maintaining a safe workplace is essential to WVDHSEM operations, and it is WVDHSEM policy to promote safety on the job and to comply with applicable laws regarding safety in the workplace. The health and well-being of employees is foremost among WVDHSEM concerns. For this reason, employees are expected to assist the company in maintaining safe working conditions. Employees are required to follow common sense safety practices and to correct or report any unsafe condition to their immediate Section Supervisor. Safety is a state of mind and requires constant vigilance and common sense. Safety is everyone's responsibility.
- 6600.2 Eligibility. -- This policy applies to all employees while at work or engaged in work-related activities.
- 6600.3 Procedures.
- (1) WVDHSEM recognizes that the responsibilities for safety and health are shared. Thus, WVDHSEM has in place a safety and health program and provides regular training to all employees regarding this program. Employees who have questions about the company's safety and health program should contact the Safety Director.
 - (2) Employees are responsible to comply with the safety rules and regulations to continuously practice safety while performing their duties. Employees are required to report to work during each scheduled workday able to safely and competently perform their job duties. If an employee is unable to safely or competently perform his or her job duties for any reason he or she is required to inform their Section Supervisor. Additionally, employees who observe or experience unsafe working conditions are required to immediately report the unsafe working conditions to the Safety Director.
 - (3) Additionally, as detailed in the Workplace Safety Training, all workplace accidents, injuries and illnesses involving employees, even those that are not serious, must be immediately reported to Section Supervisor.
 - (4) It is only through full knowledge of every accident or injury that the company can become a safer, healthier place to work for everyone. Employees may be assured that they will not be penalized in any way for reporting unsafe working conditions or workplace accidents, injuries or illnesses.



WVDHSEM

6700 - APPENDICES



APPENDIX A - OUTSIDE EMPLOYMENT.

REQUEST FOR PRIOR APPROVAL OF OUTSIDE EMPLOYMENT/SELF EMPLOYMENT

Name: _____ Employee ID: xxx-xx-_____

Title: _____ Department: _____

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

Employing firm, Person or Agency _

Address: _____

City: _____ State: _____ Zip: _____

Briefly describe the work to be performed:

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

Proposed employment will begin: _____ and continue through: _____

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

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

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

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

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



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

Employee Signature Date

Supervisor Recommendation

Approve Deny

Supervisors Signature Date

Division Head/Program Manager Recommendation

Approve Deny

Division Head/Program Manager Signature Date

The Adjutant General's Decision

Approve Deny

WVDHSEM Director Date



APPENDIX B - DRUG AND ALCOHOL FREE WORKPLACE POLICY.

Drug and Alcohol Free Workplace Policy

EMPLOYEE STATEMENT OF UNDERSTANDING

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

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

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

Employee's Name (Print)

Employee's Signature

TO BE COMPLETED BY PERSON ADMINISTERING POLICY INFORMATION

I, _____, certify that I have discussed with and provided the above listed employee a copy of the WVDHSEM Drug and Alcohol Free Workplace policy.

Witness Name (Print)

Witness Signature

Date

Distribution: Original – Human Resources Copy – Employee



APPENDIX C - HARASSMENT.

Prohibited Workplace Harassment Policy

EMPLOYEE STATEMENT OF UNDERSTANDING

I, _____, certify that I have received a copy of the WVDHSEM Prohibited Workplace Harassment policy.

I understand that illegal harassment based on sex (with or without sexual conduct), race, color, religion, national origin, ancestry, age, disability, and protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process,) or status explicitly defined as protected under applicable State and federal law, as well as nondiscriminatory hostile workplace harassment, is prohibited and will not be tolerated in the workplace. Further, I understand my responsibility to promptly report allegations of illegal harassment, fully cooperate in and not interfere with any authorized investigation, and not retaliate against those who participate in the complaint and/or investigation process.

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

Employee's Name (Print)

Employee's Signature

TO BE COMPLETED BY PERSON ADMINISTERING POLICY INFORMATION

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

Witness Name (Print)

Witness Signature

Date

Distribution: Original – Human Resources Copy – Employee



APPENDIX D - LEAVE DONATION PROGRAM GUIDELINES.

Leave Donation Program Guidelines

INTRODUCTION

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

PROCEDURES

1. Applying To Receive Donated Leave

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

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

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

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

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

2. Processing the APPLICATION TO RECEIVE DONATED LEAVE

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

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

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

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



Item 1. Determine if the employee receives leave as a benefit of employment. If the employee does NOT receive leave as a benefit of employment (for example, if they are a student exempt employee, 90-day exempt employee, contract employee, etc.) or if the employee leave benefits are conditional (i.e. if the employee is an intermittent or 6-month temporary employee), mark item 1 "NO" and go to item 6. If the employee does receive leave as a benefit of employment, mark item 1 "YES" and go to item 2.

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

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

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

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

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

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

Mark "ELIGIBLE" if:

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



Mark "NOT ELIGIBLE" if:

- the response to item 1 is "NO"; or,
- the response to item 2 is "YES"; or,
- the employee is expected to return to work less than one-half a month (i.e. less than ten consecutive work days) after his/her available leave is exhausted.
- Then go to Item 6a. Indicate the reason the applicant is "NOT ELIGIBLE." The reason will be one of the following:
 - does not receive leave as a condition of employment, OR
 - is receiving or eligible to receive Workers' Compensation benefits OR is receiving Social Security Disability benefits for this absence, OR
 - the absence will be for less than ten consecutive workdays after the employee's available leave is exhausted.

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

Item 8. Sign and print or type your name.

Item 9. Indicate the date you completed Part II.

Item 10. Indicate your "working" title -- e.g. Timekeeper, Payroll Supervisor, Office Manager, etc. Item 11. Indicate your work phone number.

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

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

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

NOTE: The earliest date a recipient employee can be eligible to receive leave



donations is either the date the APPLICATION TO RECEIVE DONATED LEAVE is received by the agency or the date all leave available to the recipient employee is exhausted, whichever is later.

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

3. Completing the NOTICE OF ELIGIBILITY TO RECEIVE LEAVE DONATIONS

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

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

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

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

NOTE: The additional information (Part I, item 10), if any, must be published exactly as the employee has written it. The appointing authority or his/her designee:

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

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

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

4. Applying to donate annual leave

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

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



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

5. Processing the APPLICATION TO DONATE ANNUAL LEAVE

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

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

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

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

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

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

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

Mark ELIGIBLE if:

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

Mark NOT ELIGIBLE if:

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



Then go to Item 3a.

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

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

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

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

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

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

Item 7. Sign and print or type your name.

Item 8. Indicate the date you completed Part II.

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

Item 10. Indicate your work phone number.

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

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

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

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



- Item 1. Indicate the name of the agency employing the donor.
- Item 2. Indicate the name of the section within the agency employing the donor, if applicable.
- Item 3. Indicate the name of the unit within the section within the agency employing the donor, if applicable.
- Item 4. Indicate the FIMS account information for the donor (see page 8, number 9 "FIMS Account Information").
- Item 5. Indicate the total dollar amount of the leave donation (LEAVE DONATION FORM, Part II, item 5).
- Item 6. Sign and print or type your name.
- Item 7. Indicate your work phone number.
- Item 8. Indicate the name of the agency employing the recipient.
- Item 9. Indicate the name of the section within the agency employing the recipient, if known and/or applicable.
- Item 10. Indicate the name of the unit within the section within the agency employing the recipient, if known and/or applicable.
- Item 11. Indicate the name of the recipient.

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

6. Paying recipients of donated leave

NOTE: Donated leave is wages for the recipient employee according to the IRS, Revenue Ruling 90-29 (Appendix E). Consequently, wage-based deductions are taken from leave donations except for State retirement deductions since the leave donation law prohibits service credit from being granted during periods when donated leave is used. However, since the object of the leave donation program is to replace "take-home" pay, gross pay is adjusted to account for the retirement exception and payments of donated leave are processed as payroll as described below.

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



deduction from his or her usual gross pay for a regular payperiod (excluding overtime).

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

NOTE: As you receive approved APPLICATIONS TO DONATE ANNUAL LEAVE or INTER-AGENCY DONATION

FORMS, we recommend that you keep a ledger for each recipient that shows all donations received and payments made. Donations should be used in the order received (earliest to latest) from within the agency **FIRST**, then in the order received from outside the agency.

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

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

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

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

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

Item 4. Sign and print or type your name.

Item 5. Indicate your work phone number.

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

When you receive an **INTER-AGENCY DONATION FORM** requesting reimbursement,



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

7. Returning and Re-crediting Unused Leave Donations

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

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

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

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

re-credit the number of hours of unused leave donation to the annual leave balance of the donor; and, notify the donor of the amount of unused leave donation re-credited to his/her annual leave balance.

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

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

8. Documenting and Reporting Leave Donations

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

Each appointing authority or designee should send copies of all completed INTER-



AGENCY DONATION FORMS (i.e. with reimbursement requested) and all APPLICATIONS TO DONATE ANNUAL LEAVE and APPLICATIONS TO RECEIVE DONATED LEAVE originating within his/her agency, even if the donor or recipient is not eligible.

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

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

9. FIMS Account Information

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

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

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

FORMS (where are these located):

- Application to Receive Donated Leave.
- Notice of Eligibility to Receive Leave Donations.
- Application to Donate Annual Leave.
- Inter-Agency Donation Form.

6800 - POLICIES

WVDHSEM
Policy Memorandum
2017-GNT-001

DATE: September 27, 2017

DURATION: Until Rescinded

SUBJECT: Grant Monitoring Risk Assessment Policy and Procedure

An overall Grant Monitoring Schedule will be developed each year by the WV Division of Homeland Security and Emergency Management (WVDHSEM) for all grants received from FEMA. This policy is intended to help us identify sub-recipients that should be monitored due to risk, rather than a random selection of individual grants or project worksheets.

To determine the agencies that will be monitored each year, the following factors will be considered. A scoring system has been developed for each criterion to determine how many points to apply to a sub-recipient. Once the points are compiled for each grant, the total will be subtracted from 100 to develop a score. Minimally, the 25% of grants with the lowest scores will be monitored each year.

- **Dollar Value of Grant Award(s)** [20 points] – the collective amount of grants awarded during the federal fiscal year.
- **Number of grant awards or project worksheets** [15 points] – the total number of awards received by the sub-recipient across the entire spectrum of FEMA funding during the federal fiscal year.
- **Grant Complexity** [10 points] – whether the grant involves a single, direct activity (purchase, training, exercise) or a more complex, diversified set of activities.
- **Historical performance by the sub-recipient** [15 points] – if any issues have been identified in the previous monitoring reports and whether there has been resolution of any Corrective Action items.
- **Change in sub-recipient personnel** [10 points] – the personnel who manage the grant, both fiscally and/or programmatically, have changed within the last 18 months.
- **Single Audit (A-133) Issues** [5 points] – if the entity's most recent single audit identifies any issues that need to be addressed.
- **Recommendation of WVDHSEM Grant Personnel** [25 points] – based on the recommendation of the WVDHSEM staff who oversee and manage

each grant program.

- **Internal Auditor** [5 point reduction] – if an agency has an internal auditor, they can receive a 5 point credit to their score

In addition to the above criteria, every agency who is a sub-recipient will be monitored at least once every three years regardless of their scoring. This will ensure we have the regular opportunity to review their grant management policies and procedures, and have dialogue with every grantee on their approach to identifying gaps, retaining knowledge of current standards and requirements, building capability, and exercising to sustain proficiency.

The Grant Monitoring Schedule will be developed in August and September for the fiscal year which begins each October 1st. Due to inconsistent timeframes of various grants, the monitoring plan will consider all grants open during the previous calendar year (January - December) and state fiscal year (July - June) to ensure consideration is given to every grant award.

WVDHSEM Grand Risk Assessment Scoring System

Monetary Value of Grants (20 Points)

- Over \$1,000,000 20
- \$500,000 to \$1,000,000 16
- \$250,000 to \$500,000 12
- \$100,000 to \$250,000 6
- \$50,000 to \$100,000 4
- Less than \$50,000 2

Number of Grant Awards (15 points)

- 10 or more 15
- 6 to 9 12
- 4 to 5 10
- 3 8
- 2 6
- 1 3

Grant complexity (10 points)

- Extremely Complex 10
- Major Complexity 8
- Moderate Complexity 4
- Minimal Complexity 0

Historical Performance (15 points)

- Unresolved Previous Issues 15
- Previous Issues Resolved w CAP 10
- No previous Issues 0

Staffing Changes (10 points)

- Completely New Staff 10

- Multiple position changes 8
- Organizational Head Change 6
- Minor Staff Change 3
- No Staff Change 0

A-133 Issues (5 points)

- Yes 5
- No 0

WVDHSEM Staff Recommendation (25 points)

- Extremely High Concern 25
- High Concern 17
- Moderate Concern 10
- Low Concern 5
- No Concern 0

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2017-FIN-001

DATE: September 27, 2017

DURATION: Until Rescinded

SUBJECT: Segregation of Duties

Introduction

Federal and state policies require that accounting transactions be conducted in accordance with sound management practices. One of the most important principles of reasonable and prudent accounting is segregation of duties. Segregation of Duties ensures separation of different functions to individual employees, defines authority and responsibility over transactions, and is critical to effective internal control. It reduces the risk of both erroneous and inappropriate actions. Through effectively segregated duties an individual will not be in a position to initiate, approve, and review the same action.

Policy

The Division of Homeland Security and Emergency Management will design and implement procedures and processes that, to the greatest extent possible, segregate duties among employees. Segregation of Duties will be considered when defining and assigning job functions. The agency will also develop and utilize effective oversight and supervisory review of all activities involving finances, inventory, and other assets.

Application

All financial functions are expected to utilize the common sense and policy of separation of duties. This includes all grant applications and reports such as Performance Reviews, Financial Reviews and Submissions (including quarterly and yearly grant reports).

Examples of Policy Application:

- US Mail – one employee will be responsible for retrieving the mail from the Capitol Mailroom and another person will be responsible for opening the mail.
- Procurement Tasks – one employee designated by the procurement officer what is to be purchased, another employee will be responsible to sign-off on purchase orders, and a third employee will be responsible for paying the invoice of the item purchased.

- Drawdown – one employee will be responsible for making a drawdown of federal funds, and another employee will prepare and make the deposit of the funds.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-GNT-002

DATE: September 26, 2018

DURATION: Until Rescinded

SUBJECT: Preparation of the Statement of Expenditures of Federal Awards

Purpose:

The West Virginia Division of Homeland Security & Emergency Management (WVDHSEM) is an agency of the State of West Virginia and is part of the State's Single Audit process. WVDHSEM prepares its portion of the overall State-wide Schedule of Expenditures of Federal Awards (SEFA) as part of the annual State of WV closing book process. Draft SEFA reports are due to the WV Department of Administration Finance Division Financial Accounting and Reporting Section (FARS) by July 31st following each fiscal year end.

The State's SEFA is prepared on the cash basis of accounting. Federal awards are listed in the SEFA under the federal agency supplying the award. The individual Catalog of Federal Domestic Assistance (CFDA) numbers are listed first, then clusters, and then federal contract numbers. Federal contract numbers are used if the CFDA number is not available.

Roles:

1. WVDHSEM CFO
2. Financial Manager

Agency Preparation:

After the close of each fiscal year, WVDHSEM's Chief Financial Officer (CFO) is required to prepare and submit the agency's SEFA to FARS. In order to prepare the report, the CFO will download from the FARS website the SEFA software. A Excel annual report is created by the Financial Manager from the WV-FIN-GL-062 reports from WVOASIS, the State's accounting system for the agency's federal fund(s) , 0443, 6202, 6203, 6205, 6206, 6207, 6209, 6228, 6230, 6231, 6232, 6234, 6254, 6267, 6295 ,8320, 8727, 8729, 8747, 8777, 8779, 8791, 8798, 8809, 8909, 8910, 8911, and 8912:

- WV-FIN-GL-070 – this report shows budget amount, unexpended amount and cash balances by fund class and fund. The report has required prompts for fiscal year and budget fiscal year.
- WV-FIN-GL-146 – this report lists individual transactions for revenues collected (Closing Class 14) and cash expenditures (Closing Class 10) for each fund and/or program as prompted. This report provides a listing of

documents for a user specified fiscal year and accounting period. The report includes additional prompts to assist in filtering the list of documents including fund and cost accounting, posting code, posting amount, etc.

- WV-FIN-GL-061 – this is the report dated 06/30/xx that will be used to tie the total cash balance in each fund.
- Transfers to and from other state agencies are verified with that agency to make sure that amounts reported agree.
- Total receipts should agree with the PMS federal drawdown report.

From these reports, the CFO filters the data to reconcile cash (beginning to end) for the fiscal year ultimately confirming the amounts reported to FARS as part of the SEFA reporting process.

AGENCY NAME:
ACCOUNT NO:
ACCOUNT TYPE:

Federal Grantor	CFDA Number	Program Number	Beginning Cash Balance	Add Receipts	Less Disbursements	Less Awards to Subrecipients	Ending Cash Balance
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In addition to reporting expenditures, the CFO reviews each CFDA number and program name for accuracy by viewing:

- Applicable annual U.S. Office of Management and Budget OMB Compliance Supplement.
- CFDA website at www.cfda.gov for accuracy of CFDA number and name of awarding agency.
- Appendix VII of the CFDA, Historical Profile of Catalog Programs, where applicable.
- Underlying grant records.

Once the SEFA is completed, the CFO must sign-off on the report submitted to FARS.

PREPARED BY:

AGENCY TELEPHONE NUMBER:

DATE:

FARS compares the cash balances to wvOASIS reports as part of the State-wide SEFA submission process to the Single Auditors.

Sincerely,

Michael L. Todorovich

Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-GNT-001

DATE: September 26, 2018

DURATION: Until Rescinded

SUBJECT: Tracking and Returning of FEMA Grant Funding

Purpose:

To provide guidance on the steps that WVDHSEM will follow if an applicant is required to pay back funds from a FEMA disaster/non-disaster grant, due to over payment or as the result of a final inspection.

Responsibilities:

1. WVDHSEM Grants Managers
2. FEMA Closeout Specialists
3. WVDHSEM Closeout specialist
4. WVDHSEM Administrative Staff
 - a. Disaster Grants Financial Point of Contact
 - b. Non- Disaster Grants Financial Point of Contact
 - c. Chief Financial Officer (CFO)
5. Grants Financial Specialist

Background:

This guidance was created because of a FEMA finding for WVDHSEM not having proper policies and procedures in place for the tracking of funds that were deobligated or overpaid to the applicant. Having a policy in place will ensure that WVDHSEM will act in a consistent manner if FEMA funds are deobligated or in the event that an applicant is in error overpaid. By having a set policy in place, WVDHSEM can communicate in an effective and efficient manner the steps the applicant needs to take to return the funds.

Tracking of FEMA Grants and steps to take in the event an applicant is overpaid:

1. Once a LOC (letter of credit) is written and approved the grants financial specialist will record that payment on a spreadsheet, which will be on the shared drive for all roles involved to be able to access. The spreadsheet has been created in such a way that if a duplicate PW number is entered, it will be highlighted in red. The grants financial specialist will then be aware that a duplicate request for payment has been made. Once the employee is aware of this duplicate payment, they will then contact the grant manager and inquire about the duplicated LOC. Reasons for the duplication could be a mistake or the possibility that a version/amendment was written to an existing PW.

- 1a. If the payment is not a duplicate then, the grants financial specialist will proceed with the payments and prepare the SF 270 that is submitted to FEMA.
 - 1b. If the payment is a duplicate, then the grants financial specialist will not proceed with the payment, however they will communicate with the grants managers and their administrative staff, so that all records will agree.
2. In the event that an applicant has funds that are deobligated as a result of final inspection, the grants financial specialist will receive a negative LOC from the grants managers and their administrative staff.
3. The financial specialist will then log the negative LOC in a spreadsheet that has tabs set up for each disaster.
4. The grants financial specialist will communicate with the CFO, make the CFO aware of the payback required to FEMA.
5. The CFO will communicate to the grants financial specialist the fund that will need to be deducted for the FEMA payback.
6. The grants financial specialist will log the fund that the payment was withdrawn out of on the excel tracking sheet, so that when the funds are sent back in from the applicant, the correct account will be credited.
7. The Grants manager staff will create a letter to the applicant, making them aware of the deobligation that resulted from final inspection or other reasons. This information will be obtained from and discussed with the FEMA closeout specialist.
8. The Grants managing staff will prepare a letter detailing the amount owed and that the funds are expected to be returned in 30 days, this letter will be signed by the Deputy Director and the CFO.
9. The letter will then be mailed and emailed, with a copy saved in the applicants file.
10. The Grants managers as well as the grants financial specialist will have a spreadsheet that lists the amount owed from the applicant. This will be kept on the shared drive for all of the roles involved to be able to access. WVDHSEM's legal department will provide guidance on correspondence sent to the applicants in regard to payments due.
11. When the payment comes in the Grants Financial Specialist will log on their spreadsheet the received date and communicate with the grants managing staff by email that this payment has been received.

12. The grants managing staff will update their spreadsheet and make a note in the applicants file that all debts are satisfied.
13. A calendar reminder will be set up for these applicants that owe funds to WVDHSEM. The calendar reminder will be on the grants managers and the financial specialists' calendar for follow up with the applicant.
14. If the applicant does not send in the payment, a second letter reminding the applicant will be sent, asking for payment within 15 days signed by the Deputy Director and the CFO.
15. Regardless if the funds have been received by the applicant, WVDHSEM will return the funds to FEMA within 30 calendar days.
16. This second letter will be saved in the applicants file and the shared spreadsheet updated.
17. If the applicant does not send in the funds, any additional funding may be halted until payment has been received and a letter from WVDHSEM's lawyer will be sent again requesting funds and making the applicant aware of all the legal ramifications for failure to repay.
18. All additional letters will be saved in the applicants file and logged in the tracking spreadsheet.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2017-GNT-004

DATE: 2017

DURATION: Until Rescinded

SUBJECT: Post-Site Correspondence, Monitoring Letter, and Improvement Plans

The following policy pertains to findings noted in WVDHSEM sub-recipient findings. This policy includes all monitoring and audits, including, but not limited to: internal, external, single, and A-133.

Within 30 business days of the review, the WVDHSEM Grant Compliance Officer shall send a letter by email thanking the sub-recipient for the visit. Included with the letter should be a completed copy of the monitoring worksheet. This letter should detail the highlights of the review, including the need for an improvement plan. This need is predicated on any findings noted in the review. The Monitoring Letter should reflect any deficiencies noted on the checklist. All written correspondence shall be on file with the Grants Monitoring Office.

The content of the Improvement Plan Letter will include criteria, for any area and finding deemed essential by the WVDHSEM Grants Compliance Office. This Improvement Plan would include instructions for a reply by endorsement, the perceived problem and specific guidance to the recipient as to the methodology for improvement, and a suspense date for return of the Improvement Plan. The suspense date shall be 45 days from receipt of CIP letter.

When there is failure to make the corrective improvements documented in the CIP letter within the 45 days WVDHSEM may take one or more of the following actions, as appropriate in the circumstances:

- (a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- (b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (c) Wholly or partly suspend or terminate the Federal award.
- (d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
- (e) Withhold further Federal awards for the project or program.

(f) Take other remedies that may be legally available.

Note: Applicable to this policy are Management Decision Letters, Project Improvement Plans, and other improvement letters.

Note: Days, as used in this policy, refers to calendar days.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2017-VEH-001

DATE: 2017
DURATION: Until Rescinded
SUBJECT: Vehicle Garaging Policy

VEHICLE GARAGING POLICY

The primary purpose of department vehicles is to achieve mission success. All department vehicles are for official use only and may not be used for personal reasons. Therefore, effective immediately, department assigned vehicles may not be garaged outside the state of West Virginia without prior written approval from the Director. All other State Rules as set forth in CSR § 148-3-1 et seq. continue to apply for department vehicle use.

Garaging encompasses the storage of the department vehicle when not in use for official business.

Garaging does not include an overnight stay at an out-of-state lodging facility while on official travel.

Exceptions to this policy may be granted on a case-by-case basis upon written request to the Director. If an exception to policy is granted, then the written exception must be kept in the department vehicle for the entirety of the time the exception is in effect.

Any questions regarding this policy should be directed to Mike Todorovich at 304-558-5380 or michael.l.todorovich@wv.gov.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-GNT-006

DATE: July 31, 2018

DURATION: Until Rescinded

SUBJECT: Communications Equipment Policy for Federal Preparedness Grant Funding

In accordance with FEMA Comprehensive Preparedness Guide 201 (CPG-201), various Notices of Funding Opportunity, and other doctrine and guidance, federal preparedness grant funding is to be used to build prevention, protection, mitigation, response, and recovery capabilities. These capabilities should enable the state to lessen risk and impact; protect critical assets and systems; and, improve the capacity to respond and recover from the most likely threats and hazards. The ability for emergency officials and responders from a myriad of disciplines, jurisdictions, and agencies to communicate with each other is an important component in many of these capabilities.

Executive Orders issued by previous governors contained guidance on the usage of grant funds for the purchase of interoperable radios to help build, preserve, and maintain the State Interoperable Radio Network (SIRN). In 2017, the Legislature revised and incorporated the information from the Executive Orders into Chapter 15, Article 14 of the WV Code. This new code section supersedes and nullifies the executive orders. Section 9 of this Article addresses the usage of funding related to the SIRN system, including the infrastructure backbone and technology of the system; the equipment needed by users of the system; and, other costs to maintain the system including licenses and leases. These guidelines specifically apply to the Statewide Interoperable Radio Network account. This account was established to be the repository of funds received through legislative appropriation; the lease of property, towers, and tower space; proceeds from insurance claims; investment income; and, other funds available to deposit into the SIRN account. Federal preparedness grant funds used to support the SIRN are not put into this account.

When grant funds are used to acquire emergency communications equipment that will be used over a geographic area for operational purposes within and among various disciplines, equipment from the SIRN approved equipment list will be purchased. Grant funds will not be used to fund non-SIRN radio equipment used by any specific discipline for conducting internal daily operations. However, as the state continues to build and sustain the communication component of various capabilities, it is apparent that there are instances where using the SIRN is substantially more technological capacity than needed. There is nothing in Chapter 15, Article 14 or other state and federal guidance and directives that prohibits the use of preparedness grant funding for non-SIRN equipment, such as FRS radio systems, so long as it is not intended to serve as part of a statewide or jurisdictional emergency communication system. For example, communications among controllers and evaluators during exercises, or among the staff at shelters, feeding sites, warehouses, points of distribution, and other fixed locations is not required to be done using SIRN-approved equipment. Grant funds can be utilized to purchase equipment for these purposes as a part of projects that will close gaps and

build needed capability. Grant funds will not be used to support a legacy emergency communications system including replacing repeaters, mobile and portable radios, pagers, and other equipment.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-TECH-001

DATE: 2018

DURATION: Until Rescinded

SUBJECT: Acceptable Use of Relevant Technology

AUTHORITY: WV Code § 5F-2-2

POLICY OVERVIEW:

The use of automated systems including computers, fax machines, printers and all forms of internet/intranet access owned, operated or leased by the State of West Virginia and under the purview of WVDHSEM is for authorized state business conducted while performing employment related duties and in the collective interest of the taxpaying citizens of the State of West Virginia. Brief and occasional use of the electronic mail system or the internet is acceptable as long as it is not excessive, inappropriate, occurs during personal time (lunch or other approved breaks), does not result in expense or harm to DMAPS or the State of West Virginia and is not in violation of any other provisions of this policy, laws of the State of West Virginia or the United States of America.

Use is defined as “excessive” if it interferes with or takes place during normal job functions or in any way slows or hinders the responsiveness or effectiveness of any WVDHSEM entity.

SCOPE:

This policy applies to any and all employees, contractors, vendors or other persons who are authorized to utilize IT resources provided to any and all entities affiliated with WVDHSEM.

POLICY:

The use of WVDHSEM computers, networks, internet access and all other DMAPS IT provided resources is a privilege and may be revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- a. Use that violates the laws of the State of West Virginia and/or the United States of America.
- b. Any use for commercial purposes, product advertisements, or “for-profit” personal activity.
- c. Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial e-mail that is unrelated to

legitimate DMAPS business.

- d. Any use related to pyramid selling schemes, multi-marketing schemes, or fundraising for any purpose that is not sanctioned by an appropriate WVDHSEM authority.
- e. Engaging in private or personal activities, including the unauthorized use of instant messaging or chat rooms.
- f. Accessing networks, servers, drives, folders or files to which prior access has not been granted or authorized by someone who has the authority to grant such access.
- g. Making unauthorized copies of files or data for distribution other than official approved WVDHSEM business.
- h. Misrepresentations of oneself or WVDHSEM.
- i. Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either WVDHSEM or any IT provided system or resource.
- j. Using abusive, profane, threatening, sexist, racist or otherwise objectionable language or anything that violates equal employment opportunity policy/guidelines or human rights in any form of IT provided resource communication.
- k. Sending, receiving, or accessing pornographic materials of any nature.
- l. Engaging in partisan political activities.
- m. Maintaining, accessing or participating in any non-work related Web logs (blog's), Web journals, "chat rooms", private/personal or instant messaging, and any and all forms of non-work related social networking that has not received prior approval.
- n. Failing to log off any secure, controlled-access computer or any other electronic data system to which individual access has been granted once the computer has been left unattended.
- o. The use of placing wagers or bets.
- p. The use of recreational games.
- q. Defeating or attempting to defeat or usurp IT or any WVDHSEM related security systems or applications.
- r. Violating any protected copyright, trade secret, patent or other intellectual property.

- s. Revealing your account password to others.

The use of IT resources to access, create, view, transmit or receive racist, sexist, pornographic, threatening or otherwise objectionable or illegal material, defined as any visual, textual, or auditory entity, file or data is strictly prohibited. Such material violates WVDHSEM anti-harassment policies, is a violation of the public trust, and will be met with zero tolerance. Violations of this nature will result in swift discipline up to and including immediate dismissal.

WVDHSEM IT provided electronic mail system, internet access and computer systems must not be used to harm others or violate the laws and regulations of the State of West Virginia and/or the United States of America. DMAPS will work closely with law enforcement officials to prosecute offenders who use DMAPS resources in the commission of illegal activities.

OWNERSHIP:

All information disseminated through WVDHSEM IT related resources is the property of the State of West Virginia. Any and all transmissions are subject to monitoring and/or viewing by the Governor's Office of Technology. No expectation of privacy is inferred or implied during the transmission of any data or communication via a WVDHSEM IT related resource.

PERSONAL ELECTRONIC EQUIPMENT:

WVDHSEM prohibits the possession or use of personal electronic equipment to access WVDHSEM IT related resources without prior approval from a person authorized to grant such approval. WVDHSEM prohibits the use of personal electronic equipment or devices in the dissemination of information for WVDHSEM job related functions or representation without prior approval from a person authorized to grant such approval.

ENFORCEMENT:

Any employee under the purview of WVDHSEM who violates this policy will be subject to disciplinary action up to and including termination of employment.

Employee Signature

Date

WVDHSEM
Policy Memorandum
2018-EEO-001

DATE: 2018

DURATION: Until Rescinded

SUBJECT: External Dissemination of the EEO Policy Statement and
Affirmative Action Plan

The EEO Policy Statement will be disseminated in the following manner to the identified groups below:

Applicants - the EEO Policy Statement will be made a part of materials an applicant may receive.

Recruitment – The EEO Policy Statement will be made part of any package or materials that are used in Division recruitment efforts. This includes job fairs, colleges and schools.

Vendors and Contractors – the EEO Policy Statement will become part of any package of materials that is provided to vendors or contractors.

Others- by request.

Any external source must request representation to view the Affirmative Action Plan (AAP) and that request must be in accordance with the Freedom of Information Act (F.O.I.A.).

If the request is in accordance with F.O.I.A., the statistical data is not included for the viewing. All other AAP documents would be made available.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-INV-001

DATE: August 8, 2018

DURATION: Until Rescinded

SUBJECT: Asset Management

AUTHORITY: State of WV, Department of Administration - Surplus Property Operations Manual, and WV State Code Chapter 5A-3-34 to 36, 5A-3-43 to 46

Staff Responsibilities/General Overview:

It is the responsibility of every West Virginia Division of Homeland Security and Emergency Management (WVDHSEM) employee to properly care for and assist in the maintenance of WVDHSEM's assets by adhering to the processes described below.

Property added to the WVDHSEM's inventory of fixed assets by entry into wvOASIS will be recorded by the Inventory Coordinator, in the WVDHSEM's Administration Office, in conjunction with the payment of the invoice or with the submission of an Asset Acquisition Form. When property is DONATED, it is the responsibility of the person accepting the donation to submit an Asset Acquisition Form to the Inventory Coordinator, in the WVDHSEM's Administration Office through the submitting employee's supervisory chain of command, within 10 calendar days in order for the item to be added to the inventory of fixed assets, if required.

The State of West Virginia has established a capitalization figure of \$1,000 and a useful life of one (1) year or more as reportable property. Items meeting these two criteria **are required** to be entered into wvOASIS. In addition to these criteria, the WVDHSEM is requiring entry of assets that have a useful life of one year or more and/or are pilfer able in nature and have an acquisition cost of between \$500 and \$1,000. These items may also be known as listed property and examples include:

Photographic, phonographic, communication and video-recording equipment (e.g. televisions, two-way radios, etc.)

Computers and electronic devices. (E.g. Laptop, Tablet, printers, copiers, fax machines, servers, etc.)

The Department of Administration, Purchasing Division's Surplus Property

Operations Manual shall be considered in relation to assets. An understanding of these policies and/or definitions will assure the WVDHSEM's compliance with the applicable policies and procedures. The following excerpts are from the manual:

Responsibility:

Agencies are responsible for all assets under its jurisdiction, regardless of its state (removable or fixed), origin, or acquisition cost. Agencies are responsible for maintaining assets from date of purchase to date of retirement, such as keeping equipment secure, entering assets into the Fixed Asset System, conducting physical inventories, submitting annual certification, retiring assets properly, etc. in accordance with procedures as outlined in this handbook.

Reportable Assets:

Any personal assets, excluding expendable commodities as defined in the Non-Reportable Assets section (2.6), that has an original acquisition cost of \$1,000 or more and a useful life of one year or longer must be entered into the Fixed Asset Module and will be referred to herein as "Reportable Assets." Agencies may enter assets that do not meet the definition of Reportable Assets into the Fixed Asset Module, but they are not required to do so. Any asset entered into the Fixed Asset Module will be treated as Reportable Assets for procedural purchases whether or not the property meets the definition of Reportable Assets above.

Exceptions:

Agencies must enter the following commodities into the Fixed Asset Module and will be considered Reportable Assets even if not within the definition of Reportable Assets above:

Firearms regardless of the cost. Please make sure all serial numbers are entered correctly.

All computers (including laptops and central processing units [CPU]) with an acquisition cost of \$500 or more.

The acquisition cost of assets shall be determined as the actual cost of that asset as evident by invoices or purchase orders. The agency can also determine acquisition cost on donated items within the \$1000.00 threshold by a reasonable method of estimation provided that no invoice or purchase order records exist. The agency thoroughly documents the estimation method used, and the documentation related to the estimate is maintained in the appropriate file for audit purposes.

The estimations, along with purchase orders and receipts, are to be reported and maintained by the Asset Manager.

Assets should be inventoried on a 'per item' basis. Individual items making one working component are to be inventoried as one asset. However, should asset be purchased for the purpose of enhancing or upgrading the item, the cost of the upgrade can be entered into the Module as a betterment.

Assets Replaced Under an Exchange Warranty:

An agency that desires to have a Reportable Asset replaced under an exchange warranty program with the vendor or manufacturer must perform the following actions to ensure proper reporting of the exchange. First, the agency must complete the exchange by returning the Reportable Asset in question to the vendor or manufacturer and receiving the replacement. Once the exchange is completed, the agency must submit a Fixed Asset Modification to Surplus for approval. Modification data must, at a minimum, be a request to change the serial number associated with the old Reportable Asset to the serial number of the new replacement Asset. The agency's Fixed Asset Modification submission shall also include verification and back-up documentation proving that the original Reportable Asset was returned and replaced by another asset.

Group Purchases/Unit Cost:

Group purchases of assets shall not be recorded in aggregate. Individual assets shall be recorded in the Fixed Asset Module only if an individual asset has a unit acquisition cost of \$1,000 or more and has a useful life of one year or more. Each unit shall bear a separate numbered inventory tag and be entered into the Fixed Asset Module as individual assets.

If the individual items on one working component are valued under the threshold of \$1,000.00 and only serve as working pieces to a larger component and are stored together, only the component as a whole will be Tagged and entered as a fixed asset by the Asset Manager or his department. (i.e. a Radio system with several individual items below the threshold and are complete in a box or tote. And only serve a purpose within the boundaries of the system or kit they are a part of.)

Donations:

Donated assets acquired as a gift from an individual or organization are to be tagged and included in the Fixed Assets Module if the donation or gift is valued at \$1,000 or more and has a useful life of one year or longer. Donated assets are valued at fair market value on the date the gift is given.

In addition to tagging these items, if donated items are pilfer able, or meet the standard criteria to be tagged, they are to be accounted for by asset

manager and the department head or otherwise is to sign for accountability and ownership of said item.

Non-Reportable Assets:

Non-Reportable Assets are defined by the Purchasing Division as either assets that are valued at less than \$1,000 or have a useful life of less than one year, or assets expendable in nature. Non-Reportable Assets are not required to be entered into the Fixed Assets Module. Examples of Non-Reportable Assets include calculators, small lawn mowers, etc. Examples of Non-Reportable Assets that are expendable in nature include gravel, skid of paper, freezer load of meat, grass seed, etc.

Computer Software/Modular Furniture:

Computer software is an intangible asset and considered Non-Reportable. Modular furniture when purchased as separate pieces normally does not cost more than \$1,000 per piece. It is recommended that modular furniture not be placed into the Fixed Asset Module.

Identification Tags:

All Reportable Assets must have a numbered identification tag affixed to the asset. Agencies will be responsible for obtaining and placing the proper tags on all Reportable Assets under their jurisdiction. Tags are to be placed on all Reportable Assets in such a manner that it can be easily seen and read.

Be sure to check the Purchasing Division website for the statewide contract for tags utilized in the process. For a link to this contract, please visit the Purchasing Division Website.

Tags without numbers are available on the statewide contract should agencies wish to tag Non-Reportable Assets for identification purposes. However, tagging Non-Reportable Assets is not required by the Purchasing Division.

Added Property:

When an agency acquires, Reportable Assets, the agency should enter the assets into the Fixed Asset Module and label the assets with a numbered identification tag as soon as the vendor's invoice has been paid.

All copies of invoices, purchase orders and any other documentation is to be submitted to the Asset manager on day of order or receipt of goods. The Asset Manager is to ensure all assets or fixed assets purchased for WVDHSEM are documented properly and appropriate measures are taken to delegate ownership and accountability.

Corrections:

Agencies may make corrections to data entered into the Fixed Asset Module within 30 days from entry. After the 30-day grace period, all corrections to the Fixed Asset Module must be submitted on a Fixed Asset Modification to the Surplus Property Unit for review and approval. If approved by the Surplus Property Unit, the Fixed Asset Modification will be completed and the requested changes will be made in the Fixed Asset Module.

Since all corrections to added or existing assets (where applicable) are to go through the Asset Manager's office, that office is to be notified of any discrepancies, changes, or modifications within 5 business days to ensure timely correction of Fixed Assets through Surplus Property and any related appropriate channels.

Property/Equipment Transfer:

The transfer of assets between agencies without Surplus Property approval is prohibited unless mandated by executive order or legislative action. Additionally, ALL transfer of equipment, property or department assets are to be handled by the Asset Manager. If there are questions or needs for transferring of any Property/Equipment, please contact the Asset Manager for specific instructions and proper accountability.

Cannibalization of Equipment:

Cannibalization of assets is strictly prohibited unless pre-approved by the Surplus Property Unit. To request approval, an agency must submit a WV-105 Cannibalization Asset Form. Cannibalization, as used herein, refers to taking parts from one or more assets to maintain or repair another asset.

Physical Inventory:

All agencies are required to take a physical inventory once every three years, and shall have completed such physical inventory by June 30th of the relevant year. The physical inventory shall include Reportable Assets under the agency's jurisdiction.

In addition to the three-year inventory described above, it is recommended that a physical inventory be taken when:

A new assets coordinator is named by the department head and assumes responsibility for the agency's assets.

An organizational change occurs affecting the distribution of assets assigned to a particular location or department.

Certification:

The head of every spending unit of state government shall, on or before the fifteenth day of July of each year, file with the Purchasing Division director an inventory of all real and personal property, and of all equipment, supplies and commodities in its possession as of the close of the last fiscal year as stated in West Virginia Code §5A-3-35.

Agencies can meet this requirement by completing the Asset Management Certification Cover Sheet and submitting it the Purchasing Division on or before July 15th of every year. The Asset Management Certification Cover Sheet requires the agency head to certify:

1. The date the last physical inventory was taken of all Reportable Assets under the agency head's jurisdiction,
2. That the agency has entered all real property and all Reportable Assets (in the form of personal property, equipment, supplies, and commodities) in its possession for the current fiscal year into the Fixed Asset Module,
3. That all obsolete assets under the agency head's jurisdiction were retired in accordance with WVSASP policy, procedures, and guidelines, and
4. That the information contained in the Fixed Asset Module is to serve as the required inventory report that must be filed with Purchasing Division director.

When completing the annual inventory of fixed assets, in addition to the above, staff are to note the following:

1. The WVDHSEM will NOT include modular (systems) furniture in wvOASIS, regardless of cost.
2. All assets with an acquisition cost of \$1,000 or more, and/or assets which may be pilferable in nature and have an acquisition cost of between \$500 and \$1,000 must be tagged and entered in wvOASIS.
3. The WVDHSEM will tag and enter assets costing less than \$1,000 ONLY when they meet the above criteria. (Examples of this type of asset are provided above.)

4. Assets currently listed in wvOASIS will remain until retired regardless of cost.
5. All assets, regardless of whether they meet the criteria for tagging and entry into wvOASIS, must be disposed of through WV Surplus Property. Since non-tagged assets will not be tracked in wvOASIS, a system for appropriate management of these resources must be maintained at the Section level.

** Assets not meeting the criteria for tagging and entry into wvOASIS, or assets pre-dating inventory tagging, shall be approved for disposal by completion of a **Form WV-103 Retirement Form**.

Surplus Property Disposition

In accordance with **West Virginia Code §5A-3-45**, the West Virginia State Agency for Surplus Property Program (WVSASP) is responsible for the disposition of commodities or expendable commodities no longer needed by the state, or more specifically the owning state agency.

Accordingly, WVSASP must approve all methods of disposition related to commodities or expendable commodities regardless of the acquisition cost. All agencies desiring to dispose of commodities or expendable commodities must follow the disposition procedures as outlined in this Manual.

The disposal process will begin when the agency makes the decision to dispose of or retire a commodity or expendable commodity. Based upon various factors, including the condition of and the potential to reuse the item, the agency will recommend to WVSASP one of the following 10 disposition methods.

- Deliver to Surplus Property
- Surplus Pick-up
- Sell On-site
- Trade-in
- Sell for Scrap
- Recycle/Dispose as Waste
- Lost Asset
- Stolen Asset
- Destroyed Asset
- Retire to Office of Technology

Agencies disposing of commodities or expendable commodities that also qualify as a Non-Reportable Asset are required to use the **WV-103 Surplus Property Retirement Form**. (See Forms). This form should accompany the commodity or expendable commodity to WVSASP. The agency is responsible for assigning the

retirement number in the designated box on the **WV-103 Surplus Property Retirement Form**.

Agencies disposing of commodities or expendable commodities that qualify as Reportable Assets are required to retire the commodities or expendable commodities to WVSASP electronically using the Fixed Asset Module. The retirement process via the Fixed Asset System will automatically generate an agency Fixed Asset Disposition Document (FD). This agency retirement cover sheet should accompany the commodities or expendable commodities to WVSASP for proper completion of the retirement.

There can be only one method of disposition listed on each form. **Any requested disposition method must be approved by WVSASP personnel, that are authorized to make such approvals, prior to the agency taking any further action related to disposition of the commodity or expendable commodity. Consequently, the commodities or expendable commodities must remain in the agency's possession until the requested disposition method has been properly approved.**

It is important that the item indicated on the **WV-103 Surplus Property Retirement Form** or **Fixed Asset Disposition (FD)** coincide exactly with the actual commodity or expendable commodity being disposed of through WVSASP. If the retirement documents and the actual property retired do not match, the disposition cannot be completed by WVSASP until a corrected retirement document is received by WVSASP.

Lost, Stolen or Destroyed Property/Property Disposal

It is required for staff to properly secure and protect state owned property at all times. When such property is lost, it is the employee's responsibility to make every effort to immediately locate the asset. Within ten (10) calendar days the employee's immediate supervisor and the Inventory Coordinator in WVDHSEM's Administration Office must be notified of the loss in writing. The person who was last in possession of the asset must complete Asset Disposal Form. In addition, when appropriate, a BRIM Loss Notice Form and a police report must be completed and copies of these reports documenting the item as missing are to be attached to the Asset Disposal Form.

When any property on the WVDHSEM's inventory has been stolen, the theft is to be reported to the police. An incident report or other appropriate documentation should also be completed at the location of the facility in which the theft occurred (i.e. Hotel/Motel, etc.). The staff in possession of the asset at the time it was stolen is responsible for following up with the police and facility to obtain a copy of the police and/or incident reports. These reports, along with an Asset Disposal Form and a BRIM Loss Notice Form, must be completed, signed and submitted to the Inventory Coordinator in the WVDHSEM's Administration Office through the employee's supervisory chain of command. This information is necessary for

insurance purposes. (BRIM Loss Notice report will be accepted alone only when a police report cannot be obtained under this circumstance.)

When WVDHSEM property has been destroyed (destroyed means a natural disaster such as flood, fire, hurricane, etc. or due to an auto wreck, dropping and breaking, etc.), an Asset Disposal Form and a BRIM Loss Notice Form must be completed, signed and submitted to the Inventory Coordinator in the WVDHSEM's Administration Office through the employee's supervisory chain of command. This report should be completed by the person in possession of the asset at the time of its destruction.

Surplus Property/Property Disposal

Employees wishing to dispose of assets no longer needed or wanted must complete an Asset Disposal Form listing the asset(s) and other relevant information. This form, or a similar listing, is to be used for the disposal of any asset of the Department. **NOTE: All property must be retired through Surplus Property, regardless of the dollar value of the asset or whether or not it is included on the listing of fixed assets as maintained in wvOASIS.** The appropriate form (or listing) is to be completed and submitted to the WVDHSEM's Administration Office through the employee's supervisory chain of command. The Administration Office will complete additional paperwork as needed and make arrangements with Surplus Property for the delivery/pick up of unwanted assets. The office requesting the retirement of assets must maintain possession of the assets until these arrangements can be made. Under no circumstances must assets be placed in the hallways or other areas where they are unsecured. The individual remains responsible for each asset until the Administration Office or Surplus Property takes physical possession. For this reason, offices should plan the retirement of assets carefully and allow time for the processing of the request to Surplus Property.

Transfer/Movement of Property

Since the wvOASIS identifies assets by several identifying factors, including the location of the asset, it is necessary for employees to notify the WVDHSEM's Inventory Coordinator when an asset is permanently moved from one office to another. This notification should be provided by completing relevant information in the Transfer of Asset(s) Form.

Annual Physical Inventory

A physical inventory of all assets within each office will be conducted on an annual basis. Staff will be asked to conduct an inventory of assets by completing an Annual Asset Inventory Report Review using a list generated from wvOASIS which will state the equipment that is currently shown to be in their possession based on location assignment. Staff will be required to undertake efforts to confirm that assets on the list remain in their possession and to add information

for assets they possess that are not listed on the report if the item meets the criteria. Assets that are on the list but that are no longer in the employee's possession must also be documented. The request for the addition or deletion of assets assigned to a Section or Employee is to be documented on the appropriate Asset Disposal, Transfer of Asset(s), Annual Inventory Exception or Supplemental Report Form and submitted to the Inventory Coordinator in the WVDHSEM's Administration Office through the submitting employee's supervisory chain of command.

The Annual Asset Inventory Report Review Form and any supporting attachments must be signed and submitted to the Inventory Coordinator in the WVDHSEM's Administration Office through the submitting employee's supervisory chain of command. *The Director of the WVDHSEM or their designee may cause for random physical inventories to be conducted at any time throughout the year.* Therefore, it is important that the proper channels/paperwork be followed and completed throughout the year when new assets are received, moved, and/or disposed of.

FORMS: Asset Acquisition; Multi-Asset Acquisition Supplemental; Asset Disposal; Transfer of Asset(s); Annual Asset Inventory Report Review; Annual Inventory Exception Report; and Annual Inventory Supplemental Report

West Virginia Division of Homeland Security and Emergency Management

ASSET ACQUISITION

Submitted in Support of Annual Inventory Supplemental Report

Person / Section Responsible for Asset:

Telephone: _____ Ext. _____

Location: _____

Description of Asset Acquired:

Check here if asset was donated by an outside organization:

- Name of Donor:

Check here if asset was purchased

- List P-Card/SCO # and Vendor Name:

Check here if asset was obtained from another Governmental Agency.

- Name of agency from which the asset was obtained:

Multi-Asset Acquisition Supplemental Form utilized for below information. (Must be Attached)

Asset Value: \$ _____

Manufacturer: _____

Serial #: _____

Model #: _____

Inventory Tag # (if applicable):

Location (Bldg., Room, Site, etc.) where asset is assigned:

Staff Signature

Date

Return this form and any attachments to: Inventory Coordinator, WVDHSEM's Administration Office

West Virginia Division of Homeland Security and Emergency Management

MULTI-ASSET ACQUISITION SUPPLEMENTAL

(This form MUST be submitted with the Asset Acquisition Form.)

Value	Manufacturer	Serial #	Model #	Inventory Tag #	Location Assigned
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					
\$					

Staff Signature _____ Date _____

Return this form and the Asset Acquisition Form to: Inventory Coordinator, WVDHSEM's Administration Office

West Virginia Division of Homeland Security and Emergency Management

ASSET DISPOSAL

Person / Section responsible for asset:

Telephone: _____ Ext. _____

Location: _____

Description of asset/equipment requiring disposal:

Reason for disposal (check applicable space below and complete descriptive information as required).

No longer needed Lost Stolen Destroyed other _____

Condition of asset: _____ (Good, Fair, Poor, Broken)

Asset Value: \$ _____

Manufacturer: _____

Serial #: _____

Model #: _____

Inventory Tag #:

Location (Rm, Site, Bldg., etc.) of asset assignment:

If the asset was lost, stolen, or destroyed, the above information should be available by reviewing the last physical inventory report on which the asset would have been recorded. In the case where more than one asset is lost, stolen or destroyed, a separate sheet must be completed for each asset.

If the asset is **no longer needed**, state the reason why:

If the asset was **lost or stolen**, describe the events leading to this discovery and elaborate on efforts undertaken to locate the asset (be specific and provide a detailed explanation):

(Page 1 of 2)

West Virginia Division of Homeland Security and Emergency Management

TRANSFER OF ASSET(S)

Person / Section Initially Responsible for Asset:

Telephone: _____ Ext. _____

Location: _____

Description of Asset(s) Being Transferred:

Asset Value: \$ _____

Manufacturer: _____

Serial #: _____

Model #: _____

Inventory Tag #: _____

Previous Location (Bldg., Room, Site, etc.) where asset is assigned:

New Location (Bldg., Room, Site, etc.) where asset is to be assigned:

Complete additional pages as needed for each asset being moved.

Receiving Staff Signature

Date

Staff Signature

Date

Return this form and any attachments to: Inventory Coordinator, WVDHSEM's Administration Office

West Virginia Division of Homeland Security and Emergency Management

**ANNUAL ASSET INVENTORY REPORT REVIEW
FOR THE YEAR ENDING DECEMBER 31, _____**

Name of Staff Member: _____

Location, Section, Site or Facility:

The attached list represents the assets that are listed in the West Virginia Division of Homeland Security and Emergency Management's wvOASIS as being in the WVDHSEM's inventory of assets and your responsibility. Please take the following action relative to this attachment.

- All asset(s) described on the provided Asset Inventory Report are correct and have been identified at the designated location.
- Asset(s) listed on the provided Asset Inventory Report cannot be located. (Mark through the asset, with a single line, and submit an **Asset Disposal Form, Asset Transfer Form or Inventory Exception Report Form** for each asset marked through.)
- Asset(s) have been identified in the Section/Location which were not on the provided Asset Inventory Report. (Submit an Annual Inventory Supplemental Report Form and an Asset Acquisition Form for each of these assets.) Refer to the WVDHSEM's Asset Management and Inventory Procedures to determine whether or not the asset in your possession needs to be identified.

By signing below, you are certifying the accompanying Asset Inventory Report and all accompanying applicable forms (indicating additions/deletions) have been performed to the best of your ability. These forms shall be submitted to the Inventory Coordinator in the WVDHSEM's Administration Office through the employee's supervisory chain of command, by **January 15th** of each calendar year.

Attach Asset Inventory Report with all supporting forms as required.

Staff Signature

Date

Supervisor's Signature

Date

Return this form and any attachments to: Inventory Coordinator, WVDHSEM's Administration Office

West Virginia Division of Homeland Security and Emergency Management

ANNUAL INVENTORY EXCEPTION REPORT

IF YOU CANNOT LOCATE AN ASSET LISTED ON THE ASSET INVENTORY REPORT:

Complete the information below, striking out (with a single line) those assets on the attached Asset Inventory Report.

A separate Annual Inventory Exception Report Form must be completed for each asset that is crossed out on the attached Asset Inventory Report.

I have conducted a thorough inventory of the assets specified on the Asset Inventory Report for the:

Location, Section, Site or Facility:

and certify the below identified asset cannot be located:

Description of asset as identified on attached asset inventory printout:

Inventory Tag #: _____

I further certify that I have made the following attempt(s) to locate the asset specified above and have not been able to locate the asset:

Staff Signature

Date

Return this form and any attachments to: Inventory Coordinator, WVDHSEM's Administration Office

West Virginia Division of Homeland Security and Emergency Management

ANNUAL INVENTORY SUPPLEMENTAL REPORT

IF ASSETS ARE IDENTIFIED IN THE SECTION OR LOCATION NOT LISTED ON THE ATTACHED ASSET INVENTORY REPORT, and would be required to have an Asset Tag as outlined in the WVDHSEM's *Asset Management and Inventory Procedures*, **this form MUST be completed.**

A separate Annual Inventory Supplemental Report Form must be completed for each asset that is not on the attached Asset Inventory Report meeting the criteria as outlined in the above procedures.

Location, Section, Site or Facility:

Description of asset not listed on the report: _____

Asset Value: \$ _____

Manufacturer: _____

Series: _____

Model #: _____

Inventory Tag # (If present): _____

Agency: _____

IF THE ASSET DOES NOT HAVE A WVDHSEM INVENTORY TAG AND NUMBER, and the asset would be required to have an Asset Tag as outlined in the WVDHSEM's *Asset Management and Inventory Procedures*:

- An Asset Acquisition Form **must** be completed and attached to this form, making sure to mark said form "Submitted in Support of Annual Inventory Supplemental Report".

Complete additional pages as needed for each asset identified and meeting the above criteria.

Staff Signature _____ Date _____

Return this form and any attachments to: Inventory Coordinator, WVDHSEM's Administration Office

WVDHSEM
Policy Memorandum
2018-GNT-007

DATE: 2018

DURATION: Until Rescinded

SUBJECT: Standard Operating Procedures for Disaster Grant Payment Requests

Purpose:

1. Provide guidance on creating SF-270 Manual Reimbursement Requests.
2. Identify key roles in the payment request process.

Roles:

1. WVDHSEM Public Assistance Grant Staff
2. State Recovery Coordinator (Public Assistance Officer)
3. WVDHSEM Hazard Mitigation Grant Staff
4. WVDHSEM State Hazard Mitigation Officer (SHMO)
5. WVDHSEM Administrative Section Staff
 - a. Disaster Grants Financial Point of Contact (DGFPOC)
 - b. Non-Disaster Grants Financial Point of Contact
 - c. Finance Manager
 - d. Chief Financial Officer

Processing Payment Requests for Public Assistance Grants:

1. WVDHSEM Admin Disaster Grants Financial Point of Contact (DGFPOC) receives Letter of Credit (LOC) and Applicant Statement from WVDHSEM Public Assistance Grant Staff, stamps original LOC with date and initials.
2. Within 3 days, DGFPOC adds grant information into Disaster Ledger excel spreadsheet maintained in WVDHSEM Shared Fiscal Drive on State Network. (S:\Fiscal\00 - Reorganization of Fiscal Folder\Grant Management\Disaster & Emergency Grants). This spreadsheet has the request date, PW category, PW

number, vendor, federal amount, state amounts, and total. The spreadsheet is set up with a formatting rule for the PW number column where if the number has already been entered, it will automatically show in red font on the spreadsheet. If the PW number shows as red, the DGFPOC researches to find if other payments have been made on that specific PW. The DGFPOC will also follow up with the WVDHSEM Public Assistance Grant Staff to confirm the payment is a duplicate or a definite payment that needs made.

3. DGFPOC enters LOC information on Disaster Grant SF 270 Calculator spreadsheet also saved in WVDHSEM Shared Fiscal Drive on State Network. This spreadsheet identifies the request date, specific PW's requested, category, vendor, federal amount, match amount, and total payment. This spreadsheet calculates the amount needed for the SF-270 including total program outlays to date, non-federal share, federal share, federal payments previously requested, and federal payment requested now. Each SF-270 has a separate tab in the spreadsheet. The federal payments previously requested populates based on prior calculations. There should be no more than 30 PW's per SF-270 calculation. Category A & B projects should be reported separately from Categories C thru Z. On DR-4273, PW's related to schools should be reported on a separate SF-270.
4. DGFPOC prepares SF-270 and forwards to WVDHSEM Finance Manager, WVDHSEM CFO, or WV Comptroller for signature. Box 5 of the SF-270 (Partial Payment Request Number for this Request) uses the following format:
(DR or EM) (DR Number) (PA or HM) (YEARMMDD)
DR4273PA20180315 B

If multiple requests are made on one day, they are labeled A, B, C, etc.

5. DGFPOC forwards SF-270, Letter(s) of Credit, and SF-270 calculator sheet (printed to PDF) to following FEMA email addresses:
 - a. FEMA-R3-Grants-Division <FEMA-R3-Grants-Division@fema.dhs.gov>
 - b. Walker-Ellis, Raechelle <raechelle.walker-ellis@fema.dhs.gov>

And cc's WVDHSEM Comptroller, WVDHSEM Finance Manager and WVDHSEM CFO.

6. Approval is emailed from FEMA to DGFPOC, WVDHSEM Comptroller, WVDHSEM Finance Manager, and WVDHSEM CFO.
7. DGFPOC forwards drawdown request packet to Comptroller or WVDHSEM Finance Manager.
 - a. SF-270
 - b. Letter of Credit

- c. SF-270 Calculator Spreadsheet page
8. WVDHSEM Comptroller or WVDHSEM Finance Manager submits Request for Payment in Department of Health and Human Services Payment Management System. Disasters prior to 2015 are on a batch system. All PW's for these disasters are drawn from that specific disaster account. Disasters in 2015 and forward are on the Single PW Obligation System. Each PW in these disasters have a specific account from which to draw funds. The Comptroller or Finance Manager verifies there is enough funds available in each account to complete the request for payment. If there are not enough funds available, the comptroller or Finance Manager contacts the WVDHSEM Public Assistance Grants Staff to confirm the transaction.

Possible Reasons why there are not enough Funds Available (not all inclusive):

- a. The Public Assistance Grants Staff did not include prior payments in calculator of letter of credit.
 - b. There was an amendment to the PW in which funds were deobligated that was not considered or completed when the letter of credit was created.
9. Comptroller or WVDHSEM Finance Manager prints Payment Request Confirmation page and returns packet and confirmation page to DGFPOC.
 10. If WVDHSEM does not pay state share, skip to Step 13.
 11. DGFPOC creates invoice to Governor's Office to request state fund from Governor's Contingency Fund and emails to Mary Lipford in Governor's Office.
 12. DGFPOC receives email from Mary Lipford when Funds Transfer (FNDDT) was been completed. The email also specifies the FNDDT transaction number.
 13. WVDHSEM Admin staff receive email from WV State Treasury Office when deposit has been received from FEMA.
 14. DGFPOC identifies on email which SF-270 requests has been received in the deposit which includes:
 - a. SF-270
 - b. Letter of Credit
 - c. SF-270 Calculation
 - d. Payment Request Confirmation Page

- e. Email with SF-270 requests identified
15. DGFPOC deposits the funds and attributes the correct funding information. The Comptroller or Finance Manager approves the deposit.
 16. DGFPOC monitors the credit document to ensure it goes to FINAL stage.
 17. When the CR is final, DGFPOC makes payment to applicant, scans packet and saves in Request for Payment (Drawdown) Folder in each disaster folder in the Fiscal folder on the shared network drive.
 18. DGFPOC updates Disaster Ledger excel spreadsheet to include FEMA deposit reference, deposit document, payment document and any additional notes.
 19. DGFPOC keeps a folder of pending approval of WV State Auditor's Office (WV SAO) for all transactions created, like deposit (CR), payments to vendor (GAX and IET).
 20. DGFPOC file the document once transaction goes to FINAL (approved by WV SAO).
 21. Within the first 10 days of each month, the Finance Manager prepares a report which lists payments made in the prior month for the disasters. This report is sent to the State Recovery Coordinator and CFO.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2017-FIN-002

DATE: 11 October 2017

DURATION: Until Rescinded

SUBJECT: Payment and Accounting of WVDHSEM Funding

This policy prescribes the process that WVDHSEM will use for processing of all payments.

Each invoice processed and paid by WVDHSEM finance and administration must have a description and grant budget category clearly written on the invoice. Should an invoice be presented for payment to WVDHSEM Administrative Section without this data, it will be returned to the account manager. The appropriate fund manager must approve, sign, and date the invoice.

In the event you do not understand the requirements of this policy, please contact Mr. Stewart or Ms. Sigmon. Any anomalies to this process must be coordinated with Mr. Stewart.

This process serves multiple purposes.

- Two parties reviewing cash transactions.
- Account Manager Ownership.
- Facilitates tracking of funds to the lowest level.
- Provides a mechanism for finance to balance with the program managers.

Finance and Administration is hereby directed to return any such invoices or other documents (if any) to the account manager if they do not have the requested information.

This policy applies to all P-Card transactions, contracts, and invoices — any payment from WVDHSEM. It is inclusive of all funds applicable to WVDHSEM, including general revenue, grants, etc.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2019-PUR-001

DATE: October 22, 2018
DURATION: Until Rescinded
SUBJECT: Purchasing Policy

It is the agency's policy to use the FEMA thresholds and policy as our own. FEMA's policy can be found at 2 CFR § 200.320 and the Agency Delegated Purchasing rules as set forth in 148 CSR Series I , § 7.2

(1) Micro-Purchase; 0-\$2,500

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$2,500 (or \$2,000 in the case of acquisitions for construction subject to the DavisBacon Act). To the extent practicable, the purchases shall be distributed micro-purchases equitably among qualified suppliers. Micropurchases may be awarded without soliciting competitive quotations if the price reasonable.

(2) Small Purchase; \$2,501-\$10,000

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from at least three vendors. These bids can be verbal and should be recorded on a WV-49, Verbal Quote Summary form.

(3) Procurement by Sealed Bid; \$10,001 -\$25,000

Procurement by sealed bids (formal advertising). Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

(b) In order for sealed bidding to be feasible, the following conditions should be present:

- (1) A complete, adequate, and realistic specification or purchase description is available;

- (2) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- (c) If sealed bids are used, the following requirements apply:
- (1) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
 - (2) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (3) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
 - (4) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (5) Any or all bids may be rejected if there is a sound documented reason.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-PER-001

DATE: July 23, 2018

DURATION: Until Rescinded

SUBJECT: Utilization of Marked Accessible Parking Spaces at WV National Guard Armory Complex

The WVDHSEM parking policy supports national and West Virginia policies and requires that to use, block or temporarily occupy a designated Accessible (formerly "handicapped") parking spot, there must be a handicapped placard prominently displayed in accordance with State law. By reserving these designated spots for our disabled residents of the State to access the Armory, The West Virginia National Guard and WVDHSEM offices in accordance with Title II of the ADA and W. Va. Code §17C-13-6 we are complying with the law and assisting our mobility impaired citizens to more fully participate in their Government.

These spaces shall not to be used for short term entrance into a building, short term parking, standing, loading or unloading, unless the owner of the vehicle has a valid handicapped placard issued by the West Virginia Department of Motor Vehicles or other state's equivalent. Accessible parking in the complex is so noted by displaying the international symbol of access either painted in the spot or on a sign directly in front of the spot.

While convenient parking is, at times, an issue in the complex, it is no excuse to occupy Accessible spots. These parking places shall be reserved solely for persons with a mobility impairment at all times.

Any questions about this policy should be directed to the undersigned.

Sincerely,



Michael L. Todorovich

Legal Concurrence:
Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2018-PER-001

DATE: September 1, 2018

DURATION: Until Rescinded

SUBJECT: Cash Advance Policy for Travel

Over the past several months, the Auditor's Office has been reviewing the practice of employees seeking cash advances for travel. For those unfamiliar with the practice, employees were historically allowed to seek payment of per diem and travel expenses prior to the trip, instead of being reimbursed post-travel. Upon return from the travel, the cash advance would then have to be reconciled by the employee to justify how the monies were spent.

Earlier this year, the office attempted to curb the practice by disallowing cash advances for incidentals and expenses that could be paid with the State Purchasing Card. However, the cash advances continue to be utilized as a matter of course, rather than an exception to the preferred post-travel reimbursement. The reimbursement method comports with the underlying state expenditure policy of only paying monies for services rendered.

There are understandable situations in support of a cash advance (i.e. employee financial hardship preventing the outlay of money). However, these situations should be the exception and not the norm. Accordingly, effective September 1, 2018, the Auditor's Office will no longer approve travel cash advances. This will ensure better accountability and documentation on a reimbursement basis.

While this will be the policy going forward, the Auditor's Office understands that unique situations and financial hardships may arise that warrant a cash advance. If such a situation arises, then for good cause demonstrated by the employee/agency, the Auditor may allow a travel cash advance to be provided. Such allowance by the Auditor will be deemed an exception to the policy of favoring reimbursement, and should not be expected to be granted as a normal course of travel.

If your agency or an employee with your agency believe a unique situation exists, please submit a travel cash advance form along with a written justification reflecting good cause for the cash advance. Consistent with prior policy, this request must be submitted at least 10 days prior to the travel.

Should you have any questions concerning this issue, please do not hesitate to contact Kelley Smith, Director of E-Travel, at (304)558-2261 ext. 2419 or PCard_Travel@wvsao.gov.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2017-GNT-002

DATE: September 20, 2017
DURATION: Until Rescinded
SUBJECT: Input into Federal Funding Accounting and Accountability Act
(FFATA)

Re: FFATA or Transparency Act-P.L. 109-282 as amended by section 6202(a) of P.L. 110-252

Background: The noted reference and overall grant guidance direct that all sub-recipients of WVDHSEM grants over \$25k or more must be entered into FSRS.gov. During many instances of recent monitoring and by review of the single audit findings, we failed to meet this requirement.

Therefore, effective immediately all WVDHSEM grant managers bear both the responsibility and accountability to enter noted data into the FSRS.gov site. The FFATA entry must be made immediately upon signature of the award of the sub-grant. The data entry may be delegated to another individual, but in all instances the grant manager retains accountability and responsibility for the completeness, timeliness, and accuracy of the entries. To facilitate compliance of this policy, during November we will offer FFATA process training.

Sincerely,



Michael L. Todorovich

Legal Concurrence:

Y or N

Daniel Armstrong
General Counsel, WVDHSEM

WVDHSEM
Policy Memorandum
2019-TECH-001

DATE: February 21, 2019

DURATION: Until Rescinded

SUBJECT: Purchasing Policy for Computer & Computer-related Supplies

Purpose: To establish a consistent process by which computers, as well as computer-related supplies are purchased and inventoried.

All computers and computer-related supplies must be purchased and inventoried by the following means:

1. Request form (see Attached) will be completed in its entirety and signed by the employee's direct manager or supervisor and submitted to the IT Manager. For new hires, please refer to new hire policy.
2. IT Manager will review request to ensure the request is compliant with existing IT structure and network requirements.
3. IT Manager will approve requests meeting these expectations and forward the request to the Asset Manager.
4. If unable to approve the request, IT Manager will reject request and notify the employee's direct manager, offering additional options.
5. Revised request will need to be resubmitted to IT Manager and resume the purchasing workflow.
6. Once the request form has all required signatures, it will be routed back to the employee's direct manager.
7. Employee's manager will then submit the request for purchasing, to the P-card holder for the employee's department.

WVDHSEM IT/Phone Request

Date: _____

From: _____

Description and Quantity of item(s) needed: _____

Approximate Cost of item needed: \$ _____

Provide a detailed justification for the item(s): _____

Signature of Approving Supervisor: _____

Fund Site to Be used (include fund site description): _____

Signature of Fund Site Manager: _____

Approved (Circle One): Y or N