

# West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner  
Joseph L. Hatton, Deputy Commissioner



December 4, 2019

## West Virginia Department of Agriculture Employees:

The West Virginia Department of Agriculture (WVDA) Policy & Procedure Manual, **Section 32.0 Travel Policy has been revised, and will be in effect January 4, 2020:**

The WVDA Policy & Procedure Manual establishes policies, procedures, benefits, and working conditions that will be followed by all Agriculture employees as a condition of their employment. The updated manual will be posted on the WVDA website, <http://agriculture.wv.gov>, no later than December 6, 2019.

The Commissioner of Agriculture reserves the right to add, change, delete, or make exceptions to the policies, procedures, benefits, and working conditions described in this manual at any time, for any reason, and without prior notice.

WVDA will make every effort to notify employees when an official change in policy or procedure has been made, but employees are responsible for their own up-to-date knowledge about the department's policies, procedures, benefits, and working conditions.

WVDA is an equal opportunity employer that values the talents and abilities of our employees and seeks to foster an open, cooperative, and dynamic environment in which employees and WVDA alike can thrive.

WVDA complies with all applicable federal, state, and local labor laws. Employment with WVDA is on an "at will" basis, which means that either you, the employee, or WVDA, may terminate the employment relationship at any time, for any reason, with or without cause.

It is the employee's responsibility to read, understand and comply with the policies, procedures, working conditions, and benefits described in the revised January 4, 2020 Policy & Procedure Manual, available to you on the WVDA website listed above. If you do not understand a portion or have any questions, feel free to contact the Deputy Commissioner, Chief of Staff, General Counsel, or Director Administrative Services. It is not necessary for the employee to agree with the content of the manual, however, you are required to comply with it. You must affirm that you have received, read, understand, and agree to abide by the policies contained in this manual by signing the attached Acknowledgment form (FMO-1049-201712) and submitting that form no later than December 20, 2019, to the attention of Anne Oravec, Executive Assistant, Administrative Services, where it will be maintained in your personnel file.

Regards,

A handwritten signature in black ink that reads "Kent A. Leonhardt".

Kent A. Leonhardt  
Commissioner

KL/alo  
Attachment

## POLICY & PROCEDURE MANUAL

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## **WVDA POLICY & PROCEDURE MANUAL – ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that I have been provided access to the West Virginia Department of Agriculture (WVDA) Policy and Procedure Manual that resides on the WVDA website. This manual establishes and defines policies and procedures that WVDA employees are expected and required to comply with.

I understand that neither this manual nor any other WVDA policy, practice or procedure is intended to provide any contractual obligations related to continued employment, compensation or employment contract.

I understand that the Commissioner of Agriculture or his Designees have the authority and reserve the right to add, change, delete, or make exceptions, in whole or part, to any of WVDA's policies or practices. Such revised information may supersede, modify or eliminate existing policies. Any written or oral statement made by a supervisor or other management level employee contrary to the content of this official policy manual is invalid and cannot be relied upon by any employee.

I understand and agree that: 1) I am responsible for reading and complying with the policies contained in this Manual and any future revisions; 2) I am bound by the provisions contained therein, and that my continued employment is contingent on compliance with those policies.

---

Employee Name (Printed)

---

Employee Signature

---

Date

File in Employee's Personnel File

FMO-1049-201712

*Printed copies, in part or parcel, of these policies and procedures are NOT official copy. The official copy is maintained by the Administrative Services Division and is located on the Department of Agriculture's website.*

## 1.0 INTRODUCTION

### WELCOME

Whether you have just joined our staff or have been an employee of the West Virginia Department of Agriculture (WVDA) for a while, we are confident that you will find WVDA a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the employees of WVDA to be one of its most valuable resources.

There are several things to keep in mind about our policies and procedures. They are not intended to be comprehensive or to address all the possible applications of, or exceptions to, policies in the workplace. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should first address your specific questions to your immediate supervisor or the Director of Administrative Services. ***THE POLICIES AND PROCEDURES SET FORTH DO NOT CREATE A CONTRACT, NOR ARE THEY TO BE CONSTRUED AS CREATING CONTRACTUAL OBLIGATIONS OF ANY KIND OR A CONTRACT OF EMPLOYMENT BETWEEN THE DEPARTMENT AND ANY OF ITS EMPLOYEES. THE WEST VIRGINIA DEPARTMENT OF AGRICULTURE RESERVES THE RIGHT TO ADD TO, AMEND OR ELIMINATE ANY POLICY OR PROCEDURE CONTAINED IN THIS HANDBOOK AT ITS DISCRETION. THE PROVISIONS IN THIS POLICY AND PROCEDURE MANUAL DO NOT CONSTITUTE A PROMISE OR CONTRACT OF EMPLOYMENT OF ANY KIND, EXPRESSED OR IMPLIED.***

No supervisor or other representative of the WVDA (except the Commissioner) has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the above.

The Department welcomes any comments or suggestions regarding these policies and procedures.

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## 1. PURPOSE

- 1.1. This manual establishes the administrative policies and procedures for the personnel of the West Virginia Department of Agriculture.
- 1.2. Effective January 6, 2018, the policies and procedures in this manual supersedes any previous West Virginia Department of Agriculture Policies and Procedures.

## 2. DEFINITIONS

- 2.1. “Commissioner” means the Commissioner of Agriculture.
- 2.2. Compensatory Time (comp time) is time off work, in lieu of a cash payment, that is earned at the rate of one and one-half hours for each hour a non-exempt employee works in excess of 40 hours in a work week.
- 2.3. “Department” means the West Virginia Department of Agriculture (WVDA).
- 2.4. “Employee” means a person who lawfully occupies a full-time, part-time, temporary or intern position with the West Virginia Department of Agriculture and who is paid a wage or salary.
- 2.5. “Employer” means the West Virginia Department of Agriculture.
- 2.6. “Employment” means that employment with the Department is for an unspecified duration and constitutes “at-will” or “will and pleasure” employment. Therefore, the employment relationship may be terminated at any time, with or without cause, at the option of either the employer or employee, with or without notice.
- 2.7. FLSA classification of a position (Exempt or Non-Exempt), refers to the current job description of duties for the position primarily for the purpose of determining eligibility for overtime or comp time under Federal law.
- 2.8. “Full-Time Employee” means any Department employee who works the full work schedule of 40 hours per week (2080 hours per year) as established for the Department and is the equivalent of 1.00 FTE. Benefits accrue at the rate of the FTE value.
- 2.9. “Full-Time Equivalent (FTE)” means the decimal equivalent value of a position. A full-time position based on 40 hours per week (2080 hours per year) is 1.00 FTE.
- 2.10. “Impaired Job Performance” means a change in performance to an unsatisfactory level in job performance indicators including but not limited to productivity, safety record, absenteeism, and interpersonal relationships with fellow employees, superiors or others that employees may interact with in the course of employment.
- 2.11. “Legal Holiday” is defined in W.Va. Code §2-2-1.
- 2.12. “Part-Time Employee” means any Department employee who works less than the full

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work schedule of 40 hours per week (2080 hours per year) as established for the Department and has a FTE that is less than 1.00 but is at least .50 FTE. Benefits accrue at the rate of the FTE value.

- 2.13. “Temporary Employee-Exempt” means any Department employee who is FLSA exempt and works less than 1000 hours in a calendar year; receives the same hourly rate of pay for all hours worked in a workweek, regardless of the total hours worked; and does not accrue benefits.
- 2.14. “Temporary Employee-Non-Exempt” means any Department employee who is Fair Labor Standards Act (FLSA) non-exempt and works less than 1000 hours in a calendar year; receives pay at the rate of one and one-half times the hourly rate of pay for hours in excess of 40 hours worked in a work week; and does not accrue benefits.
- 2.15. “Workplace” means a site for the performance of work that is done in connection with employment, a grant or from an independent contractual relationship with the West Virginia Department of Agriculture.

### 3. GENERAL

- 3.1. This manual does not constitute an expressed or implied contract of employment.
- 3.2. Employment with the Department is for an unspecified duration and constitutes “at-will” employment. Therefore, the employment relationship may be terminated at any time, with or without cause, at the option of either the Department or employee, with or without notice.
- 3.3. This manual is not intended to be a comprehensive handbook of every Department policy and procedure. This manual cannot address every possible employment situation nor can it provide an answer for every question or offer a solution for every circumstance that may arise.
- 3.4. All managerial and administrative functions, responsibilities and prerogatives entrusted to and conferred upon employers inherently and by law are retained and vested exclusively with the Department, including, but not limited to: the right to establish, administer, amend and interpret policies, practices and procedures; the right to direct and discipline the work force of the Department; and the right to take action necessary in the judgment of the Commissioner to increase the efficiency of and operate the Department.

### 4. CONFIDENTIALITY

- 4.1. All Department of Agriculture employees are charged with appropriately guarding the confidentiality of information they may have access to in the course of their employment

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with the Department regardless of whether the information was generated as a part of their job duties; entrusted to their custody; or inadvertently viewing information that they would not normally have access to.

- 4.2. All employees, contractors, agents, representatives and volunteers of WVDA, regardless of classification (including but not limited to full-time, part-time, and temporary classifications) and level of position (including but not limited to management, supervisory, and line staff) are required to sign (1) the most recent version of the WVDA Statement of Confidentiality FMO-1047 and (2) the most recent version of the Section 1619 Protected Information Employee Certification FMO-1051.
- 4.3. All requests for Personally Identifiable Information, Section 1619 Protected Information, or any other legally protected information, must be directed to the WVDA Freedom of Information Act coordinator for review and compliance.
- 4.4. All employees are required to sign the Acknowledgement Receipt form FMO-1049 that affirms their commitment to comply with the policies and procedures contained herein as the terms of their employment with the West Virginia Department of Agriculture.

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## 2.0 EQUAL EMPLOYMENT OPPORTUNITY

### 1. PURPOSE

- 1.1. To document and communicate The West Virginia Department of Agriculture's (WVDA's) expectations for Equal Employment Opportunities. WVDA is committed to the principle of equal employment opportunity for all employees and to providing employees with a work environment free of discrimination and harassment. It is the policy of WVDA not to discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex (including pregnancy), age, disability, sexual orientation, gender identity and/or expression, protected veteran status, genetic information, or any other characteristic protected by Federal, State or local law.

### 2. POLICY

- 2.1. It is also the policy of WVDA to take affirmative action to employ and to advance in employment, all persons regardless of their race, color, religion, national origin, sex (including pregnancy), age, disability, sexual orientation, gender identity and/or expression, protected veteran status, genetic information, or any other characteristic protected by Federal, State or local law. All employment decisions at WVDA are based on business needs, valid job requirements and individual qualifications. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship, at all levels of employment. In addition, WVDA will provide reasonable accommodations for qualified individuals with disabilities.
- 2.2. Retaliation including intimidation, threats or coercion, because an employee has objected to discrimination, engaged or may engage in filing a complaint, assisted or participated in a review, investigation, or hearing or have otherwise sought to obtain their legal rights under any Federal, State, or local laws requiring equal opportunity for minorities, women, individuals with disabilities, or protected veterans is strictly prohibited.

### 3. RESPONSIBILITY:

- 3.1. It is the responsibility of all employees to abide by and carry out the spirit and intent of WVDA's Equal Employment Opportunity policy.

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### 3.0 WORKPLACE SECURITY

#### 1. PURPOSE

- 1.1. To describe to all individuals (e.g., employees, visitors, vendors and the general public) the security measures in effect for State government workplaces to provide general advice and guidance to employees who may be faced with threatening or dangerous workplace situations.

#### 2. DEFINITIONS

- 2.1. **Blackjack:** A short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact when a person or object is struck. The term "blackjack" shall include, but not be limited to, a billy club, sand club, sandbag or slapjack.
- 2.2. **Concealed:** Hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.
- 2.3. **Dangerous/Deadly Weapon:** Any instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "dangerous/deadly weapon" shall include, but not be limited to the instruments defined in 1.2.1 through 1.2.13 of this section, or other deadly weapons of like kind or character which may be easily concealed on or about the person.
- 2.4. **Firearm:** Any weapon which will expel a projectile by action of an explosion.
- 2.5. **Gravity Knife:** Any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force, and when so released is locked in place by means of a button, spring, lever, or other locking or catching device.
- 2.6. **Knife:** An instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle, which is capable of inflicting cutting, stabbing or tearing wounds. The term "knife" shall include, but not be limited to, any dagger, dirk, poniard or stiletto with a blade over three and one-half inches in length, any switchblade knife or gravity knife, and any other instrument capable of inflicting cutting, stabbing, or tearing wounds.
  - A pocket knife with a blade three and one-half inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other

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recreational uses, or a knife designed for use as a tool or household implement of similar length shall not be included with the term "knife" as defined herein, unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.

- 2.7. **Metallic or False Knuckles:** A set of finger rings attached to a transverse piece, to be worn over the front of the hand for use as a weapon, and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The term "metallic or false knuckles" shall include any such instrument, without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- 2.8. **Nunchaku:** A flailing instrument consisting of two or more rigid parts, connected by a chain, cable, rope or other non-rigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely, so that one-rigid part may be used as a handle and the other rigid part may be used as the striking end.
- 2.9. **Pistol or Revolver:** A pistol is a short firearm that has a chamber which is integral with the barrel, and a revolver is a short firearm that has a cylinder of several chambers that are brought successively into line with the barrel to be discharged. Both are designed to be aimed and fired by the use of a single hand.
- 2.10. **Proximity Card:** A State-issued access or key card that permits an employee to enter a particular State-owned or leased facility within set parameters of day, date, and time.
- 2.11. **Switchblade Knife:** Any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- 2.12. **Threatening Behavior:** Conduct assessed, judged, observed, or perceived by a reasonable person to be as outrageous and extreme as to cause severe emotional distress or cause, or is likely to result in, bodily harm.
- 2.13. **Workplace:** A site where work is performed. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, or other means of conveyance (either private or public, while engaged in the performance of duties), and parking areas, whether owned or leased by a public agency or entity.

### 3. SCOPE

The provisions of this policy apply to all WVDA employees, as well as to their clients/customers, visitors, vendors and to the general public, unless otherwise noted.

### 4. POLICY

It is the policy of the West Virginia Department of Agriculture to take reasonable measures

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to ensure the health, safety, and welfare of employees and the general public they serve, while in the buildings or on the grounds of all WVDA workplaces by monitoring and limiting the access. In addition, this policy prohibits the possession, by an unauthorized individual, of any firearm or dangerous/deadly weapon or the exhibition of threatening behavior in any public-owned or leased building or work site.

#### 4.1. Possession of a Firearm or Dangerous/Deadly Weapon

4.1.1. The possession of firearms or dangerous/deadly weapons in the workplace by any individual, **including any individual who possesses a license to carry a concealed weapon, is prohibited.** Any employee who violates this prohibition shall be subject to disciplinary action, up to and including dismissal and may be subject to arrest and criminal prosecution.

4.1.2. The above prohibition (4.1.1) does not apply to the following:

- Any federal, state, or local government security or law enforcement personnel, or other employee (e.g., Wildlife Biologist) who, because of the nature of his or her work, is duly authorized by his or her appointing authority to possess a firearm while engaged in his or her official capacity.
- Cased and unloaded hunting equipment, firearms, etc., secured in a locked personal vehicle on State property.

4.2. **Threatening or Assaultive Behavior** will not be tolerated and must be resolved by managers/supervisors on a case-by-case basis. Any employee engaging in such behavior shall be subject to disciplinary action, up to and including dismissal. Any person (e.g., client, customer, vendor, visitor, etc.) who exhibits threatening, hostile, or abusive behavior, either physically or verbally, or who otherwise willfully interrupts or molests the orderly and peaceful process of any division of WVDA, may be denied services and may be subject to arrest and criminal prosecution. In determining whether an individual poses a threat or a danger, consideration must be given to the context in which a threat is made and to the following:

- 4.2.1. the perception that a threat is real;
- 4.2.2. the nature and severity of potential harm;
- 4.2.3. the likelihood that harm will occur;
- 4.2.4. the imminence of the potential harm;
- 4.2.5. the duration of risk, and/or
- 4.2.6. the past behavior of an individual.

4.3. All mail delivered by the U. S. Postal Service, and packages delivered by any

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delivery service shall be visually inspected if there is reason to believe that it may contain dangerous or illegal items. If warranted, any mail item or package shall be x-rayed to determine if it contains explosives, a weapon, or other dangerous substances.

## 5. PROCEDURES

### 5.1. Possession of a Firearm/Concealed Weapon/Threatening Behavior:

- 5.1.1. Any employee who knows or suspects that an unauthorized person, (such as a fellow-employee, visitor, vendor, etc.) possesses a firearm or other dangerous/deadly weapon and believes that person poses a threat to the safety of themselves or others, or that any person is engaged in threatening behavior or language while on State property, should notify his or her immediate supervisor, and if necessary, should call 911. While supervisors and employees may attempt to peacefully calm threatening behavior, under no circumstances should any employee attempt to confiscate any firearm or dangerous/deadly weapon from any individual.

### 5.2. Workplace Searches:

- 5.2.1. As a public employer, WVDA has the authority to open and inspect public properties for a work-related purpose. Additionally, based on a reasonable, good faith, objective suspicion of a present danger, WVDA may search not only an employee's work area, locker or desk, but also personal property which may include a briefcase, purse, lunch box, backpack, or car while on WVDA premises.
- 5.2.2. A search of the workplace;
  - Depends on the circumstances in which a search takes place. Such a search must be based on a reasonable, good faith, objective suspicion, and must have the approval, in advance, of the Commissioner or Designee. All searches must satisfy the following criteria;
    - the search was justified at the time it was conducted, and
    - the search must be reasonably related in scope to the circumstances which led to the search.
- 5.2.3. **Self-Defense Items:** The possession of items such as pepper spray and mace, which are carried for self-defense purposes, is prohibited on WVDA property. Such items should be locked securely in an employee's vehicle. Employees who violate this prohibition shall be subject to disciplinary action, up to and including dismissal.
- 5.2.4. **Folding Pocket and Belt Knives/Box Cutters:** Folding pocket knives,

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folding knives carried in a sheath on the belt, and box cutters/razor blades with a blade not more than three and one-half inches in length are permitted, when used for their intended purpose. Any knife or box cutter that is used in a threatening manner shall be treated as a dangerous/deadly weapon.

## 6. RESPONSIBILITIES

6.1. Administrative Services: It shall be the responsibility of the Administrative Services human resources or payroll personnel to:

6.1.1. Make the policy available, via electronic media, to each current employee, and to new employees during the enrollment and orientation process.

6.2. Divisions: It shall be the responsibility of each division to:

6.2.1. Post the Workplace Security Policy in a central location of the agency, and at all satellite offices and to post the Workplace Security Poster at all entrances, exits, and throughout each work site.

6.2.2. Enforce the provisions of this policy and administer appropriate disciplinary action for any violation.

6.3. WVDA Management Team:

6.3.1. Provide for technical assistance and training designed to orient all employees to the Workplace Security Policy.

6.3.2. Establish internal procedures to ensure a safe working environment and develop specific plans to respond to and defuse potentially dangerous or threatening situations.

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## 4.0 PROHIBITED WORKPLACE HARASSMENT

### 1. PURPOSE

- 1.1. 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 Department has the legal obligation to ensure that such harassment does not occur and that effective means of redress are available. This policy shall cover all independent contractors, volunteers, and employees of the West Virginia Department of Agriculture, including exempt and non-exempt, full-time, part-time, and temporary employees.

### 2. DEFINITIONS

- 2.1. **Authority:** The Commissioner of Agriculture is authorized by statute to hire employees as necessary to conduct the business of the Department of Agriculture.
- 2.2. **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.
- 2.3. **Employee:** Any person who lawfully occupies a permanent or temporary position with the Department of Agriculture and who is paid a wage or salary including, but not limited to, exempt and non-exempt, full-time, part-time and temporary employees affiliated with the West Virginia Department of Agriculture. For the purpose of this document, “employee” shall also include students and interns hired as temporary employees to perform services for the Department under their direct supervision.
- 2.4. **Employer:** The Department of Agriculture.
- 2.5. **Equal Employment Opportunity (EEO):** The Administrative Services Division will provide advice to employees and management concerning proper EEO procedures and will provide a liaison with the State EEO Office.
- 2.6. **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.
- 2.7. **Independent Contractor:** Any entity or person responsible for the performance of work under a contract.

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- 2.8. **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 intolerable, and outrageous in nature that it exceeds the bounds of decency and/or 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.
- 2.9. **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.
- 2.10. **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.
- 2.11. **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;
- 2.11.1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
  - 2.11.2. Submission to or rejection of such conduct is used as the basis for personnel actions affecting an employee; or,
  - 2.11.3. 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.
- 2.12. **Third-party Harassment:** Hostile Environment or Quid Pro Quo Harassment in which:
- 2.12.1. An employee is harassed by a non-employee such as a client or vendor;
  - 2.12.2. An employee harasses a non-employee with whom the agency has a business relationship; or
  - 2.12.3. An employee believes that a hostile environment exists due to a sexual relationship involving two other employees.
- 2.13. **Volunteer:** Any authorized individual directly engaged in the performance of services for the Department of Agriculture without promise, expectation, or receipt of compensation.
- 2.14. **Workplace:** A worksite where service or work is performed in connection with an independent contractor’s, or employee’s public employment or service, including sites

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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 Department, even if not owned, leased, or operated by the Department.

- 2.15. **Work-/service-related Activity:** Includes, but is not limited to, conducting work/service, representing the Department, receiving awards, speaking as a Department representative, and participating in receptions when invited as a result of Department employment/service.

### 3. POLICY

- 3.1. 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.
- 3.2. This policy extends to employees while engaged in any work-/service-related activity which includes the performance of agency business.
- 3.3. 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 WVDA.
- 3.4. Any employee found to be in violation of this policy will be subject to disciplinary action up to and including dismissal.
- 3.5. Management is potentially liable for acts of harassment in the workplace whether or not the source or target of harassment is another employee or a non-employee.
- 3.6. Employees may also be held personally liable for harassment.
- 3.7. Illegal harassment prohibited by State and federal anti-discrimination laws 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.
- 3.8. 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:
  - 3.8.1. Sexually explicit or implicit propositions;
  - 3.8.2. Improper questions about an employee's private life;
  - 3.8.3. Sexually discriminatory ridicule, insults, jokes, or drawings;
  - 3.8.4. Undesired, intentional touching such as embracing, patting, or pinching;

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- 3.8.5. Remarks directed against one's sex as a class or group;
- 3.8.6. Threatened, attempted, or actual sexual assault or rape;
- 3.8.7. Repeated sexually explicit or implicit comments or obscene and suggestive remarks that are unwelcome or discomfiting to the employee;
- 3.8.8. Offers of tangible employment benefits in exchange for sexual favors, or threats or reprisals for negative responses to sexual advances; and/or,
- 3.8.9. Sexual harassment by a supervisor of an employee of the same sex.
- 3.8.10. 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.
- 3.8.11. 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. This conduct may include, but is not limited to:
  - Unwarranted constant and destructive criticism;
  - Singling out and isolating, ignoring, ostracizing, etc.;
  - Persistently demeaning, patronizing, belittling, and ridiculing; and/or,
  - Threatening, shouting at, and humiliating particularly in front of others.

#### 4. COMPLAINT AND INVESTIGATION

- 4.1. Employees must address such complaints first through their manager/supervisor, and then through their division and then department chain of command.
- 4.2. Complaints regarding illegal harassment shall be handled in accordance with established procedures.
- 4.3. 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.
- 4.4. An individual alleging illegal harassment has a duty to promptly report the incident or complaint first to their supervisor and up through the agency's chain of command.

#### 5. RESPONSIBILITIES

- 5.1. Employees have the responsibility to:

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- 5.1.1. Refrain from all forms of harassment.
- 5.1.2. Promptly report allegations or observations of harassment to the appropriate individuals (i.e., supervisor, manager, director, or human resources).
- 5.1.3. Fully cooperate in and not interfere with any employer-authorized investigation.
- 5.1.4. Not retaliate against those who participate in the complaint and/or investigation process.
- 5.1.5. Participate in required training.
- 5.1.6. Acknowledge understanding of and compliance with this policy by signing the Prohibited Workplace Harassment Acknowledgment Form. (FMO-1037)
- 5.2. Employer has the responsibility to:
  - 5.2.1. Monitor the work environment to ensure that it is free of harassment.
  - 5.2.2. Promptly investigate complaints of harassment.
  - 5.2.3. Enforce this policy and take immediate and appropriate action to address violations.
  - 5.2.4. Ensure that complainants, falsely accused individuals, and/or persons interviewed regarding complaints suffer no adverse impact in their employment or retaliation.
  - 5.2.5. 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.
  - 5.2.6. Ensure that all employees including supervisory personnel, have access to training on the Prohibited Workplace Harassment policy.
  - 5.2.7. Ensure that all required reports are provided to the State EEO Office.
  - 5.2.8. Post the Prohibited Workplace Harassment Poster at conspicuous locations throughout the Department.
  - 5.2.9. 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.
  - 5.2.10. Maintain the signed Prohibited Workplace Harassment Acknowledgment Form (FMO-1037) in each employee's personnel file.

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## 5.0 SAFETY AND LOSS CONTROL

It is the policy of the West Virginia Department of Agriculture (WVDA) to establish and adhere to the following risk management and loss control procedures that will protect the assets of the WVDA and the safety of its employees and members of the general public. All WVDA employees and officials have certain responsibilities in the risk management and loss control process that must be carried out in order to conduct a successful program. These responsibilities include such activities as establishing safe workplaces, following safe practices, limiting exposure to potential liability and loss, and carrying out the steps necessary to maintain an effective and efficient risk management and loss control program.

### DUTIES AND RESPONSIBILITIES

#### 1. EMPLOYEES

- 1.1. All employees are responsible for assuring safe and healthful working conditions and practices, and for protecting the safety of the public.
- 1.2. Each employee will:
  - 1.2.1. Comply with all applicable federal, state, WVDA, health and safety rules, regulations and policies that are applicable and in effect.
  - 1.2.2. Operate all equipment in a safe manner per operating instructions of equipment and refrain from removing, displacing or damaging any safety device on equipment or property.
  - 1.2.3. Operate motor vehicles in manner that is compliant with federal, state and local laws, rules and regulations, and WVDA policies and procedures.
  - 1.2.4. Advise a supervisor of any unsafe working conditions.
  - 1.2.5. Report all non-injury accidents in the most efficient manner to a supervisor within 24 hours. Supervisors are to report the same to Administrative Services Division (ASD) immediately.
  - 1.2.6. Report all incidents with bodily injury to supervisor as soon as possible, no later than 24 hours. Supervisors are to notify Administrative Services immediately but no later than 24 hours via Supervisor's Incident Report form (FMO-1012) or via e-mail, if unable to complete Supervisor's Report.

#### 2. MANAGEMENT

- 2.1. WVDA management personnel have the responsibility for maintaining safe and healthful conditions, whether it be out in the field or within WVDA facilities. Although

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personnel exposure to hazards widely vary from division to division, it is expected that efforts will be directed toward preventing injuries, accidents and liabilities. WVDA management will:

- 2.1.1. Ensure all personnel under their supervision comply with any applicable policies and procedures, including but not limited to, ISO standards for WVDA laboratories.
- 2.1.2. Provide leadership and positive direction in maintaining loss prevention policies as a prime consideration in all operations.
- 2.1.3. Discuss plans to bring about positive loss reduction via written or oral communications.
- 2.1.4. Hold each supervisor accountable for explanation of incidents/emergencies, accidents, injuries, liabilities, etc., incurred by WVDA employees.
- 2.1.5. Inform employees so they understand the WVDA's safety policies and procedures that are in effect.
- 2.1.6. Investigate, record, and promptly report all accidents thoroughly.
- 2.1.7. For incidents with bodily injury, WVDA Administrative Services Division (ASD) must be notified within 24 hours via a completed Supervisors Incident Report. If unable to complete a Report within 24 hours, contact the Assistant Director of ASD via e-mail of the incident (see attached Report and contact information).
- 2.1.8. For non-injury incidents, such as a motor vehicle accident or other type of non-injury incident, notify supervisor within 24 hours. ASD must be notified within two (2) business days via a completed Insurance Loss Notification Form. If unable to complete the Form within two (2) business days, the Assistant Director of ASD must be notified via e-mail (see attached Form and contact information).
- 2.1.9. Ensure prompt, corrective action is taken wherever hazards are recognized or unsafe acts are observed via written documentation.

### 3. SUPERVISORY PERSONNEL

- 3.1. Each supervisor has the responsibility and authority to enforce the current WVDA safety policies and procedures and the WVDA work practices, in effort to keep losses at a minimum.
- 3.2. Each supervisor will:
  - 3.2.1. Assume responsibility for safe and healthful working areas for employees while they are under the supervisor's jurisdiction.

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- 3.2.2. Assist in preventing injuries, accidents, and liabilities occurring in their area of responsibility.
- 3.2.3. Ensure that all management policies pertaining to safety and loss control are fully implemented for maximum protection and efficiency of each employee.
- 3.2.4. Take the initiative in recommending correction of deficiencies noted in facilities, work procedures, and employee job knowledge for attitudes that adversely affect the loss control efforts.
- 3.2.5. Be firm in the enforcement of work policies by being impartial in taking disciplinary action against those who fail to conform, and being prompt to recognize those who perform well.

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## 6.0 DRUG AND ALCOHOL FREE WORKPLACE

### 1. PURPOSE

- 1.1. The purpose of this policy is to establish clear and uniform guidelines in accordance with Federal and State regulations regarding alcohol, drugs, or controlled substances, including the provisions of the Drug-Free Workplace Act of 1988.
- 1.2. Further, the purpose of this policy is to make every effort to institute and maintain a drug- and alcohol-free workplace.
- 1.3. This policy shall cover all independent contractors, volunteers, and employees of the State of West Virginia Department of Agriculture.
- 1.4. The policy's goal is to comply with the Drug-Free Workplace statute and to eliminate the presence and/or use of alcohol and illegal drugs in the workplace.
- 1.5. Further, the intent of this policy is to ensure that State government workplaces are safe, productive, and secure for independent contractors, employees and citizens.
- 1.6. This policy prohibits the use of alcohol and/or illegal drugs in the workplace as such use may affect an independent contractor's, or employee's job performance; bring discredit upon the reputation of the State of West Virginia Department of Agriculture, as the employer, and/or threaten the safety of independent contractors, volunteers, employees, individuals entrusted to the care of the State, and the general public.

### 2. DEFINITIONS

- 2.1. Alcoholic Liquors: These include alcohol, beer, wine and spirits, and any liquid or solid containing alcohol and capable of being used as a beverage.
- 2.2. Independent Contractor: Any department, division, unit, or any person responsible for the performance of work under a contract.
- 2.3. Controlled Substance: A federally-regulated substance listed in Exhibit A and/or Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and West Virginia Code§ 60A-2-201, et seq., that when taken into the body, may impair one's mental faculties and/or physical performance.
- 2.4. Conviction: A finding of guilt, (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or State criminal drug statutes.
- 2.5. Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 2.6. Department: The West Virginia Department of Agriculture as established in West

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Virginia Code §19.

- 2.7. Employee: Any person who works full-time or part-time, including management, or temporary staff who are directly engaged in the performance of work for the Department of Agriculture.
- 2.8. Federal Agency: Any agency as that term is defined in Section 552(f) of the Title IV, United States Code.
- 2.9. Grantee: Any division, unit, or any person responsible for the performance of work under the provisions of a federal grant.
- 2.10. Legal Drug: Legal drugs include medications prescribed by a physician, and over-the-counter medications which have been legally obtained and are being used solely for the purpose for which they were prescribed by a physician or manufactured.
- 2.11. Illegal Drug: Any drug which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed. Illegal drugs include those controlled substances under Federal or State law which are not authorized for sale, possession, or use, and legal drugs which are obtained or distributed illegally.
- 2.12. Workplace: A work site where service or work is performed in connection with independent contractors, volunteers, or employee's public employment or service. The workplace shall include 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.
- 2.13. Volunteer: Any authorized individual not receiving compensation while directly engaged in the performance of services for the Department of Agriculture.

### 3. POLICY

- 3.1. It is the policy of the Department to ensure that its workplaces are free of alcohol, illegal drugs and controlled substances by prohibiting the use, possession, purchase, distribution, sale, or having such substances in the body system.
- 3.2. This policy is applicable while independent contractors, volunteers, and employees are engaged in any work/service-related activity which includes performance of agency business. 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 participation in receptions when invited as a result of State employment/service.
- 3.3. The unlawful possession, use, manufacture, distribution, or dispensation of a controlled substance; the reporting to work under the influence of a controlled substance, whether it was consumed at work or away from work, or having an illegal drug in the body system; or possession of drug paraphernalia are all prohibited in the workplace. When reasonable

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suspicion exists that an independent contractor, volunteer, or employee has reported to work under the influence of alcohol, illegal drugs, or is impaired due to abuse or misuse of controlled substances or prescribed medications, the individual may be subject to assessment and disciplinary action or termination of service agreement.

3.4. As a condition of employment/service with the Department, independent contractors, volunteers, and employees shall:

- 3.4.1. Abide by the terms of this policy;
- 3.4.2. Notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than 5 days after such conviction, and
- 3.4.3. Sign the “Employee Drug Awareness Certification Form” (FMO-1042) or in the case of vendors, complete the appropriate Drug-Free Workplace certifications as prescribed by the WV Purchasing Division.
- 3.4.4. It shall be the responsibility of the Administrative Services Division to provide information and/or training resources for the following:
  - The Employee Referral Program;
  - The dangers of alcohol use or drug abuse in the workplace;
  - The establishment and maintenance of a drug- and alcohol-free workplace;
  - The penalties for the use or possession of illegal drugs or alcohol in the workplace; and
  - The availability of literature concerning the abuse of alcohol and/or drugs as well as treatment alternatives.

#### 4. Department’s Responsibilities:

- 4.1. Maintain a copy of the Drug- and Alcohol-Free Workplace Policy in an accessible location and display its Poster in a central location.
- 4.2. Include a copy of the policy in every orientation packet provided at the start of the employment relationship with the agency.
- 4.3. Maintain the signed “Employee Drug Awareness Certification Form” (FMO-1042) in each employee’s agency personnel file.
- 4.4. Enforce the policy and take appropriate action against individuals who are convicted or violate the policy within 30 days from the date of the conviction or violation.
- 4.5. Promptly deal with any possession, consumption, and/or distribution of alcohol, an illegal drug or controlled substance in the workplace, in accordance with legal and

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administrative disciplinary procedures. Supervisors should contact the Director Administrative Services for guidance. However, in emergency situations supervisors should first ensure the safety of others and then immediately contact 911, or the appropriate federal, state, or local law enforcement officials.

**Employees who are in violation of the provisions of the Drug-Free Workplace Act, or this policy, shall be subject to disciplinary action, up to and including dismissal. Independent contractors and volunteers shall be subject to the termination of the service agreement.**

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## 7.0 PERSONAL APPEARANCE

### 1. POLICY

- 1.1. All WVDA employees are expected to wear **clothing that is appropriate for their job and work site**. Clothing and appearance should be neat, clean, in good business taste, and shall not constitute a safety hazard. WVDA is a professional organization that interfaces with other state agencies and the business community. As such, employees shall make reasonable efforts to project a professional public image. The following standards of dress code are established to provide direction for employees in order to maintain the professionalism that WVDA advocates.

### 2. PROCEDURE

- 2.1. Employees shall practice good personal hygiene, select attire that is clean and in good repair, and presents a professional image.
- 2.2. Employees' attire should always be situation appropriate and take into consideration the job duties to be performed. That is, what is appropriate for a staff member who is working in the forests, at a livestock market or in a laboratory environment would not be appropriate for someone whose duties are in an office environment.
- 2.3. Management may make exceptions for special occasions, and will work with the Director Administrative Services to determine whether attire is unprofessional on a case-by-case basis.
- 2.4. Examples of professional attire in an office setting include but are not limited to:
  - 2.4.1. Business suits, sports jackets, slacks, skirts, dresses;
  - 2.4.2. Business shirts or blouses, golf/polo shirts;
  - 2.4.3. Footwear designed for business purposes.
- 2.5. Examples of professional attire in a lab or field work setting include but are not limited to:
  - 2.5.1. Slacks, jeans (without holes or frayed edges);
  - 2.5.2. Skirts, dresses;
  - 2.5.3. Shirts, blouses, golf/polo shirts, tee shirts;
  - 2.5.4. Footwear designed for the work environment.
- 2.6. Examples of unprofessional attire in any setting include but are not limited to:
  - 2.6.1. Clothing with a printed message, slogan, political messages, picture or art depicting drugs, alcohol, smoking, sex, weapons, violence, or that is

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obscene or disrespectful;

- 2.6.2. Dresses or blouses that are backless, strapless, or have spaghetti straps unless such garments are covered by another article of clothing (e.g., a sweater or jacket);
- 2.6.3. Tank or muscle tops unless such garments are covered by another article of clothing (e.g., a shirt, sweater or jacket);
- 2.6.4. Sheer or mesh clothing that exposes undergarments or midriffs;
- 2.6.5. Excessive visible body piercings;
- 2.6.6. Offensive exposed tattoos;
- 2.6.7. Shorts; sweatpants; mini-skirts; or leggings unless covered to mid-thigh by another article of clothing.

### 3. SAFETY

- 3.1. Employees shall not wear clothing that is unsafe. Shoes should be selected for safety and comfort and be otherwise appropriate for the work setting. Accessories such as rings, necklaces, bracelets, and earrings shall not present a potential safety hazard.
- 3.2. The Department may institute more stringent dress requirements for reasons of safety or to alleviate or avoid disruption in the workplace.
- 3.3. Employees in a safety sensitive environment that requires the use of personal protective equipment must wear such equipment as required.

### 4. UNIFORMS/CLOTHING WITH DEPARTMENT LOGO

- 4.1. Some employees may be required to wear department-issued uniforms or articles of clothing that identify them as department employees in the performance of their duties. If these articles of clothing are required, they will be supplied by the agency. The employee is responsible for maintaining the cleanliness and neatness of appearance of the department-issued clothing. This clothing is to be worn only while on duty including a reasonable period of time to travel to or from their work location to their residence. The uniform identifies the employee as a department employee and the appearance reflects upon the image of the department. Upon separation from the agency, all such clothing must be returned to the department.

### 5. CASUAL ATTIRE

- 5.1. Employees in an office environment may wear “casual” attire on Fridays of each week, except during the specified periods when casual days will be suspended. “Casual” attire

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does not mean that employees may look sloppy or unprofessional. All employees shall look professional at all times.

- 5.2. In many cases, “casual” does not apply when meeting with representatives at the State Capitol or in some meetings with other agencies, which tend to be of a formal nature and may include making presentations. However, for some meetings and/or presentations, casual attire may be the most appropriate. For instance, some conference/meeting agendas request business casual attire to encourage a more relaxed atmosphere. As always, if in doubt as to the appropriate attire for an event or meeting, check with your supervisor.

5.2.1. Examples of acceptable casual attire include, but are not limited to:

- Jeans without holes, frays, etc.;
- T-shirts that do not have inappropriate images;
- Casual footwear, which may include athletic shoes.

5.2.2. Examples of unacceptable casual attire include but are not limited to:

- Shirts with inappropriate images;
- Tank tops, unless paired with a covering; sheer tops, unless paired with an opaque under covering; crop tops; muscle shirts;
- Shorts above the knee; mini-skirts; leggings unless paired with a mid-thigh top.

## 6. CHANGE OF ATTIRE REQUIRED

- 6.1. Supervisors shall provide guidance as to proper attire and grooming. Supervisors must send an employee who reports to work in violation of the established dress requirement home with instructions to change into acceptable clothing and return to work. The employee will be required to use annual leave or leave without pay for the period absent from work.

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## 8.0 STAFFING

### 1. PURPOSE

- 1.1. To outline the process for creating new positions or filling vacancies for an existing position.

### 2. DEFINITIONS

- 2.1. FLSA classification of a position (Exempt or Non-Exempt), refers to the current job description of duties for the position primarily for the purpose of determining eligibility for overtime or comp time under Federal law.
- 2.2. Full-time Employee - any Department employee who works a full work schedule of 40 hours per workweek (2080 hours per year) as established for the Department of Agriculture and is the equivalent of 1.00 FTE. Benefits accrue at the rate of FTE value.
- 2.3. Part-time Employee - any Department employee who works less than the full work schedule of 40 hours per workweek (2080 hours per year) as established for the Department of Agriculture and has a FTE value that is less than 1.00 but is at least .50 FTE. Benefits accrue at the rate of the FTE value.
- 2.4. Temporary Employee - any Department employee who works less than 1000 hours in a calendar year, and does not accrue benefits. A temporary employee may be either non-exempt or exempt under the Fair Labor Standards Act (FLSA).

### 3. REQUIREMENTS

- 3.1. The Commissioner and his Designees retain the exclusive right to staff positions.
- 3.2. The Administrative Services Division will maintain the official records of all positions (filled and vacant).
- 3.3. WVDA Directors requesting to fill an existing vacancy or to create a new position must submit a request to the Administrative Services Director to initiate the process.
  - 3.3.1. Existing vacant positions may only be filled upon final approval of the Commissioner or Designee.
  - 3.3.2. New positions may only be created upon final approval of the Commissioner or Designee and only if sufficient budgetary resources are available to fund the annualized salary of the position.

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#### 4. PROCEDURE

4.1. The request to fill a vacancy or create a new position must include a completed Position Management form (FMO-1044), and a New Employee Hire Checklist form (FMO-1006), along with a validated job description, the key Knowledge, Skills and Abilities (KSAs) and Interview Questions for the position, recommended salary range, funding source, closing date for the vacancy announcement; job status (full-time, part-time, or temporary); as well as who, the Director or Designee, will be assigned to receive the applications in the Applicant Stack system.

4.1.1. A validated job description will include:

- Job Title;
- Division/Headquarters;
- FLSA Status;
- Nature of Work;
- Examples of Duties/Responsibilities;
- Knowledge, Skills and Abilities;
- Required/Preferred Education;
- Required/Preferred Experience;
- Required/Preferred Certifications/Licenses;
- Reporting Relationship;
- Validation Signatures; and in some cases,
- Notation regarding grant contingency, etc.

4.2. The Administrative Services Division is responsible for ensuring that all job descriptions are drafted in a consistent format with all required content presented in a clear, concise, and legally-compliant manner.

4.3. The requestor will identify how the vacancy was created (e.g., retirement, resignation, promotion, new position, etc.), as well as the funding source(s) for the position. If available, also provide the name and salary of the previous incumbent.

4.4. Indicate in the request where the position is to be posted (in-house only, internal and external concurrently, or external only).

4.5. Employment opportunities will be posted within the Department first unless it is readily apparent that no current employee meets the minimum qualifications for the position.

4.6. Current employees will have a minimum of five (5) working days to respond in writing to an internal position announcement.

4.7. When posting is to be advertised outside the Department (in newspapers, professional journals and publications, employment publications, job services or other employment services, and schools or universities), the Administrative Services Division will assist the division with developing the advertisement. Administrative Services will place all

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advertisements.

- 4.8. Factors such as the nature of the position, anticipated work areas, and specialized requirements are to be considered when selecting the appropriate type and duration of job advertisement to effectively reach the most qualified candidates.
- 4.9. The Administrative Services Division will be responsible for the initial receipt of all applications, resumes, letters of interest, and other documentation in response to a position announcement.
- 4.10. Upon receipt of a response to a position announcement, all applications and resumes will be screened by Administrative Services for compliance with the minimum requirements of the job description and advertisement to determine eligibility for interview.
- 4.11. The applications and initial evaluations of strength of qualifications for the position will be made available to the Division Director and other “hiring managers” designated in the electronic applicant tracking system as soon as possible.
- 4.12. Depending upon the number of qualified responses to an opening, Administrative Services and the Division Director should select at least three (3) to five (5) of the most qualified applicants to be interviewed.
- 4.13. Announcements may sometimes result in an unusually large number of applicants who meet the minimum position requirements. When such circumstances arise, the Division Director may consult with Administrative Services to limit the number of applicants or candidates to advance through the process based on such considerations as:
  - 4.13.1. Length, type and complexity of work experience related to the position;
  - 4.13.2. Applicability of past work experience to the Department’s programs, operations, and needs; and/or
  - 4.13.3. Type, degree, and relevance of job preparation for prescribed responsibilities, including course work, training and educational achievements.
- 4.14. All applications and resumes received will be retained by the Administrative Services Division for a period of twelve (12) months from the date of the original solicitation.
- 4.15. The Department reserves the right to assess applicants on their education, skills and abilities related to the position.
- 4.16. All interviews will be conducted by an interview team that should include the Division Director or Assistant Director; the position supervisor (if different than the Division Director or Assistant Director), a subject matter expert (if available), and a staff member of the Administrative Services Division.
- 4.17. The Administrative Services Division will provide the interview team the final version of the position description, KSAs, interview questions and all application materials for each interviewee prior to the interviews.

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- 4.18. It is expected that prior to interviewing candidates, the interview team should have a clear understanding of the needs and qualifications of the position, the nature of work and goals of the position, in order to develop an appropriate line of questioning.
- 4.19. The Administrative Services Division is responsible for ensuring that the interview team is properly briefed on appropriate and allowable interview questions and that interview questions and assessments are legally compliant and appropriate for the position prior to the interview.
- 4.20. Interviews should only contain questions and conversation that is directly related to the specific duties, responsibilities, and requirements of the position. Questions and conversation should remain consistent among all candidates for a position but flexible enough to allow for sufficient exploration of areas relevant to the position duties and/or the applicant's background and qualifications.
- 4.21. At the conclusion of the interviews, the interview team will meet to discuss their independent evaluations of the candidates (Candidate Evaluation Form FMO-1043) as they apply to the job requirements to develop a team recommendation with clear reasons for the hiring recommendation.
- 4.22. The interview committee will forward the memo, including the top two (2) candidate recommendations, along with their applications and resumes, to the Administrative Services Director for review and approval/denial by the Commissioner or Designee.
- 4.23. Upon approval of the hiring recommendation by the Commissioner or Designee, and verification of the availability of funding, the Administrative Services Division will:
  - 4.23.1. Make a verbal offer of employment to the approved candidate. Offers of employment are made contingent upon the selected individual passing appropriate substance and background screening processes.
  - 4.23.2. Prepare an official offer letter to be mailed to the successful candidate detailing salary, start date, contingencies and other information pertinent to the verbal agreement. The Division Director responsible for the position will receive a copy of all correspondence related to the offer.
  - 4.23.3. Initiate an investigation once the signed offer letter has been received. The investigation may include a criminal background check, substance abuse screening, check of official transcripts or licensures, and/or any other procedures necessary to verify the credentials of the candidate and ensure the appropriateness of the candidate for the position.
  - 4.23.4. Complete a Personnel Action Request to serve as backup documentation for making budgetary and payroll entries in wvOASIS related to the hiring process.
  - 4.23.5. Prepare notifications of regret to be sent via the Applicant Stack system to the unsuccessful candidates that were interviewed.

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All documentation related to the solicitation, interview, approval, offer and pre-employment screening, including internal correspondence, notifications of regret and other documentation will be compiled and filed by the Administrative Services Division for the period of time prescribed by the agency Records Retention Schedule.

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## 9.0 SUMMER TEMPS/INTERNS

### 1. PURPOSE

- 1.1. To provide paid temporary employment opportunities for people 16+ years of age that meet the needs of the department and the individual within a uniform and consistent hiring process.

### 2. POLICY

- 2.1. Temps/interns must be at least sixteen (16) years of age.
- 2.2. For internships, preference will be given to those majoring in a field relevant to the summer position so that the experience will augment their program of study, e.g. Biology/Plant Industries, Graphic Arts, Journalism, Public Relations, Consumer Marketing/Communication and Marketing, Accounting, etc.
- 2.3. For general labor or clerical summer temps, previous year temps/interns may be given preference should there be a continuing need in their previous summer assignment, provided they have received a rehire recommendation. This facilitates maximum productivity with less training.
- 2.4. Division Directors and/or the Human Resources Specialist may make recommendations for temp/intern assignments to the Director Administrative Services who will seek final approval through the Commissioner or Designee.

### 3. PROCEDURE

- 3.1. Division Directors will identify summer temp/intern needs and notify the Director Administrative Services.
- 3.2. Administrative Services will compile information and compare the previous year temp/intern positions and assignments to current needs.
- 3.3. Administrative Services may contact previous year temps/interns to ascertain their interest in returning to an assignment.
- 3.4. If temp/intern accepts, s/he will be placed in the assignment. If the temp/intern declines then Administrative Services will advertise the position on WVDA website and send an email broadcast to all WVDA employees. Administrative Services in conjunction with Division Directors or Designee will interview temps/interns and make recommendations for assignments. The Director Administrative Services will obtain final approvals of the Commissioner or Designee.
- 3.5. At the conclusion of each assignment, temps/interns will complete a form (FMO-1039) to evaluate their work experience with WVDA. Division Directors or the temp/intern's immediate supervisor, will complete an evaluation of the temp/intern's performance using form FMO-1038 and make a yes or no recommendation for rehire.

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## 10.0 NEPOTISM

### 1. PURPOSE

- 1.1. The West Virginia Department of Agriculture strives to ensure that all employees enjoy the same treatment during their employment. As such, WVDA has implemented policies to prevent unfairness in the employment relationship.

### 2. DEFINITIONS

- 2.1. Related Party includes any form of relationship between a decision-maker and the beneficiary of that decision-making process.

### 3. POLICY

- 3.1. WVDA is committed to the highest standards of conduct and expects all employees to adhere to them. Employees must avoid conflicts of interest or situations that might impair objective judgment.
- 3.2. WVDA will use sound, objective judgment in the placement of all employees in accordance with the following guidelines:
  - 3.2.1. Related parties are not permitted to work in a direct reporting or supervisor-to-subordinate relationship. That is, no individual shall have decision-making authority or significant influence over the hiring, work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment of a related party.
- 3.3. Individuals who become a related party to an employee while already employed at WVDA should promptly report that fact to each employee's supervisor, and both employees will be treated in accordance with this policy. If in the opinion of the Commissioner or Designee the relationship violates this policy, one of the employees may be transferred to another assignment at the discretion of the Commissioner or his/her Designee. If an employee is transferred to a different position to remove them from a related party relationship, the transferred employee will not be harmed in level of salary or position.
- 3.4. If an applicant is otherwise qualified and might be selected for an available position but is a related party to an existing WVDA employee in the same area of assignment, the selecting authority should consult with the Director Administrative Services on the applicability of this policy and its motivating concerns before making a hiring recommendation.

### 4. EXCEPTIONS

- 4.1. Exceptions require written approval by the Commissioner or his/her Designee.

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## 11.0 EMPLOYEE PERSONNEL RECORDS

### 1. PERSONNEL RECORDS

- 1.1. The Department will maintain personnel records and information for each applicant, employee, and past employee in a manner that will balance the individual's right to privacy with the Department's need to obtain, use, and retain employment information.
- 1.2. All personnel records will be maintained as Confidential by the Department's Administrative Services Division in a locked, secure location with controlled access.
  - 1.2.1. Any archived personnel records related to former employees (i.e., those which have left employment, were terminated, retired, or deceased) will be kept separately from those records belonging to active employees. The same security and access standards apply to any archived personnel records.
- 1.3. Personnel records are to contain information which is needed by the Department to conduct its business or which is required by federal, state, or local law. This information normally will include, but will not necessarily be limited to the following: application forms, payroll and/or benefit withholding information, performance notes, evaluations, disciplinary records, transcripts, emergency contact information, job descriptions, reference documents, drug-free workplace certification, workplace security, letters of recognition, exit interview information, and discharge notices.
- 1.4. Personnel records pertaining to an employee's medical information, EEOC documentation, I-9 forms, and Workers' Compensation and FMLA records will be maintained in separate files in a locked, secure location.
- 1.5. Employees have a responsibility to keep their personnel records up to date by promptly entering any changes to their personal information in the Employee Self Service (ESS) module of *wvOASIS*. The following list is some of the information that the employee is responsible for maintaining:
  - 1.5.1. Name;
  - 1.5.2. Address;
  - 1.5.3. Telephone number;
  - 1.5.4. Marital status, where the change in status affects benefits and/or tax withholding;
  - 1.5.5. Number of dependents;
  - 1.5.6. Addresses and telephone numbers of dependents and spouse (for insurance purposes only);
  - 1.5.7. Beneficiary designations for insurance, disability and pension plans; and

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- 1.5.8. Persons to be notified in case of emergency.
- 1.6. Employees who have a change in the number of dependents or marital status must complete a new IRS Form W-4 for income tax withholding purposes within ten (10) days of the change, if the change results in a change in the number of dependents.
- 1.7. Employees may inspect their own personnel records during normal business hours with appropriate notice and in the presence of an authorized witness designated by the Administrative Services Division.
- 1.8. Employees are prohibited from inspecting any personnel files except their own, except where there is a legitimate, managerial need to know the information. Examples of individuals who may have a legitimate need to inspect personnel records include the Commissioner, Senior Management, Payroll/Benefits Administrator, legal counsel, and any Division Director who is considering an employee of their division for promotion, transfer, or other personnel action.
  - 1.8.1. Under no circumstances can a Division Director be permitted access to personnel files for employees not employed under their Division.
  - 1.8.2. A personnel file may not be permitted to be taken from the Administrative Services Division except by the Commissioner or Designee.
- 1.9. Failure to maintain confidentiality of any personnel information may result in disciplinary action up to and including dismissal.
- 1.10. Any access to a personnel file will be verified, recorded, and maintained as a permanent part of the file.
- 1.11. Employees who, after inspecting their personnel files, feel that any material is inaccurate or irrelevant may submit a written request to the Commissioner or Designee to have the material revised or removed from the file. If such a request is not granted, the employee will be permitted to place a written statement of disagreement in the file.
- 1.12. The Department considers the contents of an employee's personnel file to be private information and will not disclose such information to the public, except as ordered by a court upon clear and convincing evidence that the public interest requires such disclosure in compliance with West Virginia Freedom of Information Act, W.Va. Code § 29B-1-1 et seq.
- 1.13. Employees are to refer any requests from outside the Department for personnel information concerning applicants, employees, and past employees to the Administrative Services Division.
- 1.14. The Payroll/Benefits Administrator or authorized backup person may verify wage and salary information and release the following information without first obtaining the written consent of the individual involved: employment dates, position held, and location of job site. Any other information will require a written release by the employee.

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1.15. The Administrative Services Division is to make provisions to retain certain personnel records as required by various federal, state, and local laws in accordance with established Department records retention policy.

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## 12.0 INCREMENT PAY

### 1. PURPOSE

- 1.1. To define the guidelines for administering increment pay based on years of service in accordance with WV Code §5-5-2.

### 2. POLICY

- 2.1. Every eligible employee with three (3) or more years of service with the State of West Virginia shall receive an annual payment equal to sixty dollars (\$60.00) times the employee's years of service with the state.
- 2.2. In each fiscal year and on the first day of July, each eligible employee shall receive an annual increment increase of sixty dollars for that fiscal year.
- 2.3. Every employee becoming newly eligible, as a result of meeting the three years of service minimum requirement on the first day of July in any fiscal year, is entitled to the annual increment equal to sixty dollars (\$60.00) times the employee's years of service, where he/she has not in a previous fiscal year received the benefit of an increment payment. Thereafter, the employee shall receive a single annual increment increase of sixty dollars for each subsequent fiscal year of service.
- 2.4. These annual increment increases are in addition to any across-the-board, cost-of-living or percentage salary increases which may be granted in any fiscal year by the Legislature or Commissioner of Agriculture.

This section shall not be construed to prohibit or replace other pay increases based on merit, promotion or other reason, if funds are available for the other pay increases: Provided, the Commissioner or Designee shall first grant the mandated increase in increment in this section to all eligible employees prior to the consideration of any other increases.

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## 13.0 WORK SCHEDULES & PAY

### 1. PURPOSE

- 1.1. This policy serves to define the organization's expectations for work schedules. It also sets forth pay guidelines for the various schedules.

### 2. POLICY

- 2.1. The official workweek for all employees of the Department is 12:01 a.m. Saturday until 12:00 midnight the following Friday.
- 2.2. The Department observes a forty (40) hour workweek. The most frequently used schedules are based on either five days' per week of eight (8) hour days which includes seven and one-half (7½) hours of work and a one-half (½) hour paid meal period that is subject to interruptions, or four (4) days per week of ten (10) hour days which includes nine and one-half (9 ½) hours of work and one-half (1/2) hour paid meal period that is subject to interruptions. A Part-Time employee who works eight (8) hour days receives a one-half (1/2) hour paid meal period that is subject to interruption. A Temporary employee (including interns) does not receive a paid meal period.
- 2.3. Compensatory time or overtime pay at the rate of time and one-half (1 ½) for non-exempt employees does not accrue until after forty (40) hours worked.
- 2.4. Work time (or hours worked) includes all the time an employee is required to be on duty, on the Department's premises, or at a prescribed workplace, and all the time when the employee is required to work for the employer. Time spent by the employee in physical or mental exertion under the control and direction of the Department is regarded as hours worked.
- 2.5. All time worked, earned and taken shall be recorded in increments of fifteen (15) minutes in the approved timekeeping system. The rounding method accepted by the federal government to be used for time keeping is as follows: the first seven (7) minutes of a fifteen (15) minute increment will be rounded down; minutes eight (8) through fifteen (15) of a fifteen (15) minute increment will be rounded up. Example: An employee who has a regular schedule of 8:00 a.m. through 4:00 p.m. If they arrive at work any time from 8:00 a.m. through 8:07 a.m., the time is rounded down to 8:00 a.m. If they arrive any time from 8:08 a.m. through 8:15 a.m., the time is rounded up to 8:15 a.m. The same rounding is applied to the ending work time.
- 2.6. Employees who are eligible to receive benefits will be paid for legal holidays, accrued annual leave, and sick leave as taken. Holidays and leave are not considered hours worked for the purpose of calculating overtime compensation.
- 2.7. Full-time employees receive payment for all legal holidays regardless of scheduled work days, part-time employees are paid for all legal holidays based on their FTE value, and

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temporary employees only receive pay for those holidays actually worked.

- 2.8. Any employee who does not work a full workweek has a mandatory duty/responsibility to contact their immediate supervisor who, in-turn, will contact their Division Director immediately. It is the employee's responsibility to know whether they have sufficient comp time or leave to cover the time off work being requested and to inform the Supervisor of any leave balance deficit at the time of call.
- 2.9. It is the Division Director's responsibility, upon notification of a shortage, to ensure that the employee's absence is immediately and accurately recorded in the KRONOS time and attendance system. The Division Director has the responsibility to notify the Director Administrative Services of any absence that extends or is anticipated to extend beyond a three (3) work day period.
- 2.10. Accrued comp time, annual leave, or sick leave (if appropriate), respectively, will be used to make up any work time shortages. If sufficient leave is not available, then the employee's paycheck will be decreased by the value of the number of hours less than 40.

### 3. LEGAL HOLIDAYS ARE AS FOLLOWS:

New Year's Day	M.L. King Jr. Day	President's Day
Memorial Day	WV Day	Independence Day
Labor Day	Columbus Day	Veteran's Day
Thanksgiving, 2 days	Christmas Day	

***Primary Election and General Election Days are holidays in election years.***

- 3.1. Legal holidays are counted in the actual workweek, but are hours paid, not hours worked for the calculation of overtime pay.
- 3.2. Holidays are awarded and recorded as eight (8) hours. Employees who normally work a four (4) days x ten (10) hours schedule must revert to a five (5) days x eight (8) hours schedule during a work week with a holiday.
- 3.3. If an employee is required to work on a holiday, such time is to be reported. If an employee does work on a holiday, the Department will grant the employee a later day off as Holiday Banked.
- 3.4. Work on a legal holiday in itself does not require a premium rate of compensation at time and a half or double time, therefore time earned for working on a holiday is to be given later on an hour for hour basis. There must be a business reason given for the request and the Commissioner, his Designee, or the Division Director must give prior written permission for an employee to work on a legal holiday.
- 3.5. Holiday time banked will be entered in KRONOS, the official time tracking system, and clearly distinguished from comp time earned. Holiday time banked will be used first to cover any annual leave requested/taken, if the employee has no compensatory balance.

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Holiday time banked must be taken within the calendar year from the date it is earned. Exception to this may be granted in writing from the Commissioner or his Designee, if the employee is required to work during the Christmas holiday and does not have the opportunity to use the Holiday time banked before calendar year end.

- 3.6. If a non-exempt employee takes the holiday off but works more hours than the normal schedule excluding the holiday, then the difference is entered in KRONOS by a Payroll Administrator on an hour for hour basis up to 40 hours worked in the week. After 40 hours, any time worked automatically converts the hours to 1.5 hours for each hour worked.

#### 4. SCHEDULE ADJUSTMENT

- 4.1. While every effort will be made to adhere to posted work schedules, supervisors retain the right to revise or rearrange work schedules in order to:
  - 4.1.1. avoid the accumulation of compensatory time or overtime; or
  - 4.1.2. address unexpected staff shortages or similar factors.
- 4.2. When the additional work needs can be anticipated before the occurrence and would cause the employee to work more than forty (40) hours if their normal schedule were adhered to in the latter part of the workweek, the supervisor should use schedule adjustment as the first choice of accommodating the need to avoid incurring comp time or overtime.
- 4.3. A non-exempt employee's schedule must be adjusted within the same workweek; however, if such adjustments cannot be made, the employee must be compensated by comp time at a rate of one and one-half (1½) hours for every hour worked over forty (40).
- 4.4. Employees may, with approval of their supervisor, adjust their work day up to one (1) hour to accommodate unforeseen circumstances.

#### 5. WORKING WHILE ON CALL

- 5.1. Any employee who is required to remain on the Department's premises or on standby at any location so that he/she cannot use the time effectively for his/her own purposes is working while on call. An employee who is working while on call shall be paid his/her regular rate of pay.
- 5.2. If an employee is relieved from duty and can use the release time effectively for his/her own purposes, s/he will not be compensated. Where an employee is told in advance that s/he may leave the job for a specified period and is given a definite time for return to work, that employee has been relieved from duty and will not be compensated.
- 5.3. An employee who is required to be on standby and available for callout is not working while on call and will not be compensated even though s/he must avail themselves by

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notifying management of how they can be reached at all times.

## 6. REST PERIODS

- 6.1. Rest periods of a short duration ranging from five (5) minutes to ten (10) minutes are available in the Department to promote the employee's efficiency and are considered as work time in calculating the employee's workweek. However, there is no requirement that rest periods be granted to an employee.
- 6.2. It is the practice of the Department to grant a maximum of two (2) rest periods per 8-hour shift, if the employee's supervisor determines that work schedule and conditions warrant such breaks. Breaks for tobacco use in approved locations are included in the total of the two (2) rest periods.
- 6.3. The rest period shall be limited to a maximum of ten (10) minutes and the employee must remain in the general proximity of the workplace during the rest period.

## 7. MEAL PERIODS

- 7.1. Chapter 21-3-10(a) of the West Virginia Code only requires that during the course of a workday of six (6) or more hours, all employers shall make available for each of their employees, at least twenty (20) minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not afforded necessary breaks and/or permitted to eat lunch while working. This section of State Code provides for an unpaid break and applies to WVDA Temporary employees.
- 7.2. Department policy exceeds the State's legal requirement by generously granting a paid meal period of one-half (½) hour in a work day of at least eight (8) hours duration that is subject to interruption.
- 7.3. Every effort should be made by all supervisors within the Department to guarantee each employee a one-half (½) hour scheduled meal period. However, because the Department gives the employees a one-half (½) hour paid lunch period, it is subject to interruptions if necessary.
- 7.4. The lunch time meal period will be available to employees between the hours of 11:00 a.m. and 1:00 p.m. Each Division Director shall be responsible for developing a staggered lunch schedule so that the business of the Department will not be significantly interrupted.
- 7.5. Employees may not accumulate any "make-up" time for an interrupted meal period nor break periods in order to leave work early or arrive late to work.

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## 14.0 FLEX-TIME WORK SCHEDULING

### 1. PURPOSE

- 1.1. The purpose of establishing a flex-time system is to provide better service to the public; increase managerial flexibilities; and provide employees alternatives for managing personal responsibilities

### 2. SCOPE

- 2.1. Flex-time will be used on a division-by-division basis. Flex-time will not be used in a division where safety/risk considerations override the benefits to the department of flex-time. Any Division Director who desires to participate in this program shall make their request to the Commissioner or Designee. Divisions will not begin flex-time until they have received approval from the Commissioner or Designee.

### 3. POLICY

- 3.1. All full-time employees must work the standard workweek of forty (40) hours.
- 3.2. There is a flexible band from 7:00 a.m. until 9:00 a.m. for an employee's arrival and from 3:00 p.m. until 5:00 p.m. for an employee's departure. The flexible band is a designated time frame within which an employee may choose the time of arrival and departure from work. An employee can come in any time during this flexible band if it is adjusted at the end of the day to cover the eight (8) hours required each day.

Examples:                7:00 a.m. - 3:00 p.m.  
                              8:00 a.m. - 4:00 p.m.  
                              8:30 a.m. - 4:30 p.m.,

- 3.3. The core hours to ensure proper office coverage for customer service will be from 8:00 a.m. - 4:00 p.m.
- 3.4. An employee shall select the hours that they are scheduled to work, within this flexible period by consulting with their supervisor and obtaining approval of the Division Director. If an employee selects scheduled work hours that are incompatible with another employee's selected scheduled work hours, conflicts should be resolved on the basis of seniority. The employee with the longest tenure has higher right to select his/her scheduled work hours. This agreement should be confirmed with the Division Director.
- 3.5. All changes to work schedules, must be approved by the employee's Supervisor and the Division Director.
- 3.6. There will be a flexible window of fifteen (15) minutes allowed after the scheduled arrival time in which an employee does not have to enter leave in KRONOS if they are late, provided the length of the work day is appropriately adjusted at the end of work

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day. If the time is not made up at the end of the day, then they must enter leave taken in accordance with the established rounding procedure. Persistent tardiness is cause for disciplinary action.

- 3.7. Employees are required to document their hours worked. This documentation must show the time when work began (not necessarily the time of arrival), and the appropriate time of departure from the workplace.
- 3.8. Break periods and lunch breaks should not be accumulated for any reason.

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## 15.0 TIME AND ATTENDANCE

### 1. PURPOSE

- 1.1. The purpose of this policy is to provide time and attendance reporting requirements for all employees of the West Virginia Department of Agriculture (WVDA) using a time and attendance tracking system

### 2. DEFINITIONS

- 2.1. **Authorized Hours** are work hours that a supervisor assigns to complete a task.
- 2.2. **Holiday Credit Banked (HCB)** is hour-for-hour credit to an employee who is authorized/required to work on a holiday.
- 2.3. **KRONOS** is the time and leave tracking system used to collect and report time and attendance.
- 2.4. **Overtime** is defined as hours worked by a non-exempt employee in excess of 40 hours in a work week. Overtime must be approved in advance by the employee's Division Director and/or Chief of Staff as appropriate. If not, an employee is not authorized to work the overtime and may be subject to disciplinary action.
- 2.5. **Pay Period** is the 14-day payroll cycle of 2 full work weeks.
- 2.6. **Work Day** is defined as eight hours of authorized work between 7:00 a.m. and 5:00 p.m. Employees may also be assigned to alternative schedules that may include flextime with the authorization of their supervisor and Division Director.
- 2.7. **Work Hour** is any hour of the day that is worked or authorized to be worked.
- 2.8. **Work Week** covers seven consecutive days beginning on Saturday at 12:01 a.m. and ending on Friday at 12:00 midnight for a total of 40 hours worked.

### 3. POLICY

- 3.1. KRONOS, the Department's time keeping system, tracks hours worked, absences, leave and comp time.
- 3.2. Full-time and part-time employees are required to enter all time worked into KRONOS daily or as soon as possible thereafter. Failure to enter all time worked may result in disciplinary action, up to and including termination of employment. Employees are held accountable for accurately recording time worked and leave requests. Falsification of time worked will result in disciplinary action, up to and including termination of employment.
- 3.3. KRONOS allows the employee to distinguish between general Work Time, Grant Time, a Declaration, or any other time the employee is required to track. Employees will be

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advised by their supervisor of pay codes or special purpose codes to use for tracking time.

- 3.4. Employees must request their supervisor's approval of annual leave or sick leave for scheduled appointments before taking the leave. In the event the employee must take unscheduled sick leave due to illness or unscheduled annual leave due to a personal emergency, s/he must seek verbal approval from their supervisor. If approved leave is not entered in KRONOS before the time off is taken, the leave must be entered into KRONOS immediately once the employee returns to work. If an employee has a Comp Time balance, Comp Time may be used instead of sick leave. However, any Comp Time balance must be taken before using any Annual Leave.
- 3.5. If an employee has Holiday Credit Banked (HCB) hours it must be taken prior to Annual Leave. HCB must be taken in the calendar year that it is earned.
- 3.6. If an employee has a comp time balance or HCB balance, either can be taken in lieu of Sick Leave.
- 3.7. Each division will be audited by the Administrative Services Division to ensure compliance with these policies.
- 3.8. Timecard Approvals
  - 3.8.1. At the latest, each employee has until 9:00 a.m. on the Monday following the end of a pay period to have their timecard completed and approved for the preceding two work weeks. It is recommended that Divisions ensure that employees are completing their timecards daily or weekly at the latest to avoid employees' pay being short because time has not been entered before the deadline. Division Directors have the discretion to establish shorter deadlines for their employees to have timesheets completed and submitted for their internal review and approval process.
  - 3.8.2. If a division uses a timekeeper role for entering and/or reviewing timecards, the timekeeper must complete these tasks for employees under their KRONOS purview in sufficient time to inform the employee's Supervisor of any issues that have been identified. It is recommended that the timekeeper review timecards throughout the pay period in an effort to resolve issues before pay period close.
  - 3.8.3. The Supervisor will resolve any issues that were identified by the timekeeper in KRONOS and proceed with final approval of timecards no later than 12:00 noon on the Monday following the end of a pay period.
    - If there is an issue with a timecard related to an employee who is required to use a timeclock for time entry, the employee must submit a Timeclock Correction form, FMO-1048, to their supervisor for approval before any changes may be made to their time. The signed Timeclock Correction

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form to authorize the change will be maintained in the employee's personnel file at the Guthrie headquarters payroll office.

- 3.8.4. The note section of a specific date in KRONOS should be used to explain items that may be mandated in the management of the employee's time and attendance.
- 3.8.5. Each Division will verify the accuracy of all time and attendance records, including requested leave. This process includes verification from the employee and then the employee's supervisor(s).
- 3.8.6. All timecards must be **approved** by the Supervisor; if the division uses a dedicated timekeeper role, their "approval" is simply an acknowledgement that the timecard has been reviewed by that timekeeper and **is not a valid approval** of time worked.
- 3.8.7. **Once the pay period is closed via payroll timecard sign-off, records are considered permanent** and any reversal will only be considered in rare instances with SUBSTANTIAL justification that must be processed through KRONOS.
  - If a timecard requires a correction after pay period close, the employee must complete a Timecard Adjustment Request Form (FMO-1045) with all information required, including sufficient justification/documentation of the need for the adjustment, and submit it to their supervisor for approval, who will forward it up through the division's chain of command for approvals, to end with final signature of approval by the Division Director before a change to the timecard, and thereby payroll, will be authorized by the Director Administrative Services.
  - If authorized by the Director Administrative Services, a payroll administrator will make the appropriate historical edits to the timecard in KRONOS and the adjustment to pay, if applicable, will be made in the first pay period following the final authorization of the adjustment.
- 3.9. Employees should first contact their Division Timekeeper or Supervisor if they experience any problem(s) with making entries to KRONOS.
- 3.10. Payroll Administrators will be responsible for establishing new employees and maintaining Supervisor and Timekeeper roles in the KRONOS system.
- 3.11. Supervisors are responsible for ensuring that employees and timekeepers are adequately trained in the use of KRONOS.

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## 16.0 COMPENSATORY (COMP) TIME

### 1. PURPOSE

- 1.1. The West Virginia Department of Agriculture (WVDA) has a fiduciary duty to keep comp time liability at a minimum. Comp time is an unfunded liability that has the potential to cause extreme hardship if not controlled responsibly.
- 1.2. In accordance with the Fair Labor Standards Act (FLSA), WVDA has a policy of granting comp time off work to employees who are not exempt from the provisions of the act, in lieu of monetary compensation for time worked in excess of 40 hours in a workweek.
- 1.3. Comp time must be accrued at the same rate as overtime pay - one and one-half (1 ½) hours of comp time for each hour worked in excess of forty (40) hours in a workweek.

### 2. DEFINITIONS

- 2.1. **Annual Leave** is earned-time off work, accrued by years of service. Each year, employees may carryover up to a maximum of 320 hours annual leave from one calendar year to the next during their employment.
- 2.2. **Comp Time** is paid time off, rather than monetary pay, accrued as a result of working in excess of forty (40) hours in a workweek. The goal is to have zero (0) hours of comp time remaining at the end of the calendar year. The Comp Time Request and Authorization form (FMO-1041) must be used to document that the appropriate prior approval(s) have been received BEFORE an employee works more than their normal work schedule.

### 3. POLICY

#### 3.1. General Requirements

- 3.1.1. Only non-exempt employees are eligible for comp time.
- 3.1.2. No employee is permitted to work more than the number of hours in their normal schedule for the day without the prior approval of the Division Director.
- 3.1.3. WVDA provides comp time to non-exempt employees for all hours worked at 1 ½ times the number of hours worked beyond forty (40) in a workweek.

#### 3.2. Scheduling

- 3.2.1. Employees must have the appropriate level(s) of approval on the Comp Time Request and Authorization form (FMO-1041) BEFORE working any and all overtime. Division Directors have the discretion to decide whether

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to delegate the authority to approve up to 20 hours of comp time to supervisors or they may require that ALL overtime in their division have their prior approval before it can be worked.

- 3.2.2. Any hours to be worked that will result in a balance of comp time greater than 20 hours and up to 40 hours requires the approval of the Division Director.
- 3.2.3. *Effective January 6, 2018, WVDA has established that NO employee may have a comp time balance in excess of forty (40) hours. In rare circumstances, it may be impossible for an employee to use the comp time they have accumulated. If it is anticipated that an employee may exceed the maximum amount allowed, the Division Director must have written approval from the Deputy Commissioner or Chief of Staff before permitting the employee to WORK any additional comp time hours.*
- 3.2.4. Employees are expected to use comp time hours as quickly as possible after they are earned. It is not acceptable to accumulate comp time hours for an extended period of time.
- 3.2.5. Employees must exhaust ALL comp time **before scheduling/using** annual leave. Failure to do so will subject him/her and their supervisor to disciplinary action.
- 3.2.6. WVDA reserves the right to schedule for an employee to use their comp time after reviewing their manpower staffing and business needs.
- 3.2.7. An employee who has a comp time balance when approaching the end of the calendar year, could result in a loss of Annual Leave if s/he has an annual leave balance greater than the three-hundred-twenty (320) hour maximum cap.
- 3.2.8. Annual Leave **cannot** be used to avoid losing Annual Leave hours if the employee has a Comp Time balance.
- 3.2.9. *After the timekeeping system is closed at the end of the calendar year, Comp Time and Annual Leave usage comparison reports will be run to ensure policy compliance. If annual leave was used when comp time was available, the annual leave hours will be added back and those hours will be subtracted from the comp time in accordance with department policy. This may result in the employee losing annual leave hours in excess of the allowable carryover amount of 320 hours.*
- 3.2.10. *All employees are required to sign the Compensatory Time and Annual Leave Policy Acknowledgement (FMO-1046) which details this policy.*

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## 4. RESPONSIBILITIES

### 4.1. Supervisor

- 4.1.1. Manage staff time and schedule to ensure that job duties under their area of assignment are fulfilled in an acceptable manner.
- 4.1.2. Request the need for overtime to Division Director prior to hours being worked.
- 4.1.3. Must know employee's comp time and annual leave balances.
- 4.1.4. Grants or denies employee request for time off based on business needs.  
**Must ensure that the employee has used all comp time hours before granting annual leave.**
- 4.1.5. Schedule each employee's weekly assignments by taking into consideration the number of hours that each assignment is expected to require.
- 4.1.6. Determine whether the employee's assigned work schedule can be adjusted to avoid incurring a comp time liability.
- 4.1.7. Determine whether the employee has an existing comp time balance that must be scheduled to be used as soon as possible.
- 4.1.8. Determine whether the employee has requested to use other forms of leave.

**Note: Supervisors do not have the authority to permit an employee to use annual leave until all comp time has been exhausted. Failure to properly manage this requirement may subject the supervisor to disciplinary action up to and including termination of employment.**

### 4.2. Employee:

- 4.2.1. Accountable for knowing the balance, if any, of his/her accumulated comp time and earned annual leave.
- 4.2.2. Must request approval to incur and/or use comp time from immediate supervisor in all instances.
- 4.2.3. Written approvals required: one (1) hour to twenty (20) hours of overtime, Supervisor approves (Division Director has the discretion to also require their approval); twenty (20) hours to forty (40) hours Division Director approves; above forty (40) hours requires Deputy Commissioner or Chief of Staff approval.
- 4.2.4. **Exhaust all** accumulated comp time before scheduling annual leave. **Employees** and their supervisors are subject to disciplinary action for taking and granting annual leave when he/she has a comp time balance. Work the schedule developed by the supervisor in order to use comp time; e.g. Employee may be asked to take a day or part of a day off within a normal

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work week, with pay, to deplete comp time hours. It is the position of WVDA that the employee and supervisor manage comp time that is amicable to both parties and fulfills the goal of this policy. However, the supervisor has the right to schedule an employee's comp time.

4.3. Division Director:

- 4.3.1. Monitor supervisor's granting of comp time and annual leave.
- 4.3.2. Take necessary measures to correct any activity/behaviors that are contrary to the policy.
- 4.3.3. Evaluate requests for overtime and approve or deny.
- 4.3.4. Before an employee may be permitted to work overtime that would create a comp time balance over 40 hours, they must obtain the signature of approval from the Deputy Commissioner or Chief of Staff on the Compensatory Time Request and Authorization (FMO-1041) form.
- 4.3.5. Report monthly to the Deputy Commissioner and Chief of Staff the justification of overtime hours approved.
- 4.3.6. Request written approval from the Deputy Commissioner or Chief of Staff to allow an employee to incur a comp balance in excess of 40 hours.

4.4. Deputy Commissioner/Chief of Staff

- 4.4.1. Evaluate requests to carry a comp balance in excess of 40 hours and approve or deny.
- 4.4.2. Review overtime reports to identify excessive overtime and initiate process changes if warranted.

4.5. Administrative Services Division

- 4.5.1. Provide monthly reports for overtime hours worked.
- 4.5.2. Develop and submit trending reports for overtime hours.
- 4.5.3. Assist the Deputy Commissioner and Chief of Staff in identifying problem areas and recommend process changes.

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## 17.0 LEAVE

### 1. PURPOSE

- 1.1. To define various forms of leave that employees of WVDA are eligible to receive. This policy defines, how leave is determined, who is eligible, and the administrative procedures for requesting and granting leave.

### 2. SCOPE

- 2.1. The policy applies to all full-time and part-time employees of the West Virginia Department of Agriculture.

### 3. DEFINITIONS

- 3.1. **Annual Leave**—accrued, paid time off work granted by WVDA to employees to be used for whatever the employee wishes. An employee has a right to take annual leave, subject to the right of the supervisor to schedule the time at which annual leave may be taken.
- 3.2. **Sick Leave**—accrued, paid time off work that employees can use to address their health and safety needs without losing pay.
- 3.3. **Compensatory Time (Comp Time)**—paid time off earned by an employee, in lieu of monetary payment, for working more than 40 hours in a week. All hours in excess of 40 worked in a week must be approved prior to the extra hours being worked.

### 4. POLICY—Annual Leave

- 4.1. Only full-time and part-time employees are eligible to accrue annual leave. Part-time employees accrue annual leave on a pro-rata basis, according to their FTE value.
- 4.2. Eligible employees accrue annual leave at the rate indicated:

#### Years of Service Accrual Rates

Less than 5 years	4 hrs. 37 min./per pay period = 15 days per year
5 years, less than 10	5 hrs. 33 min./per pay period = 18 days per year
10 years, less than 15	6 hrs. 28 min./per pay period = 21 days per year
15 or more years	7 hrs. 24 min./per pay period = 24 days per year.

- 4.3. Annual leave may not be granted in advance of the employee's accrual of such leave. Annual leave is accrued at the end of each pay period, and is not available for use until the first day of the next pay period. If an employee does not work their full schedule in a workweek, they cannot take annual leave before it has accrued to complete the required number of hours. The employee's pay will be short by the number of hours less than 40

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or the FTE equivalent for a part-time employee for that week and the employee may be subject to disciplinary action.

- 4.4. Annual or sick leave requested in the same workweek in which additional hours are worked shall be reduced and credited back to the employee's accrued balances to reduce or avoid payment for hours in excess of the normal work schedule.
- 4.5. The maximum amount of accrued annual leave that an employee can carryover from one (1) calendar year to the next is three hundred twenty (320) hours.
- 4.6. Annual leave has cash value. If an employee leaves employment with the department for any reason, the annual leave balance must be paid in full.
- 4.7. The minimum charge against annual leave will be fifteen (15) minutes, and must be taken in increments of fifteen (15) minutes.
- 4.8. Employees shall make all annual leave requests in writing or through KRONOS, the time and attendance recordkeeping system, to his/her immediate supervisor as far in advance of the requested leave as possible. In an emergency, leave may also be requested by telephone or in person to the employee's immediate supervisor. The longer the duration of leave requested, the more advance notice should be given.
- 4.9. Annual leave shall be granted only when it will not materially affect the Department's efficient operation. Supervisors may take this into account when making their decision to approve or deny leave requests. Also, annual leave will not be granted to employees who have a balance of unused comp time hours. All comp time hours must be exhausted before annual leave may be approved.
- 4.10. Any request for unscheduled/unapproved annual leave made by telephone must be reviewed to determine work needs on a given day prior to issuing a verbal approval. Such requests may be denied, in which case the employee shall be given a reasonable period of time to travel to work. However, the employee will be required to work the full number of hours they would normally work for the day or within that workweek.

## 5. POLICY—Sick Leave

- 5.1. Only full-time and part-time employees are eligible to accrue sick leave. Full-time employees accrue 5 hours and 33 minutes of sick leave per pay period. Part-time employees accrue sick leave on a pro-rata basis according to their FTE value.
- 5.2. There is no limit on the amount of sick leave that can be accrued. Sick leave has no cash value.
- 5.3. Sick or annual leave requested in the same workweek in which additional hours are worked shall be reduced and credited back to the employee's accrued balances to reduce or avoid payment for hours in excess of the normal work schedule.
- 5.4. Sick leave may be granted:

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- 5.4.1. in the event of an illness of, or injury to, an employee which makes him/her incapable of performing his/her duties;
- 5.4.2. when a physician determines, and states in writing, that the employee's presence may jeopardize the health of others due to exposure to contagious disease;
- 5.4.3. for routine dental and medical appointments; and
- 5.4.4. for illness and/or routine dental and medical appointments for the employee's immediate family. For this provision, "immediate family" shall include an employee's spouse, children, parents, or other dependents.
- 5.4.5. The minimum charge against sick leave will be fifteen (15) minutes, and must be taken in increments of fifteen (15) minutes.
- 5.4.6. The maximum charge against sick leave will be one (1) work year per substantially continuous absence after which time, the employee should consider disability retirement.
- 5.4.7. The Department makes no distinction between personal sick leave and family sick leave. The number of hours of sick leave available for use encompasses both personal and family sick leave.

#### 5.5. Procedure for Requesting Sick Leave

- 5.5.1. All employees are to contact their immediate supervisor or Designee to report an absence within the first hour and one-half (1.5) of their scheduled workday, or as soon as practicably possible on the scheduled workday.
- 5.5.2. Employees shall not contact a general office receptionist or any other employee in lieu of contacting their immediate supervisor or an alternate that has been designated by the division director.
- 5.5.3. Failure to make contact within the first hour and one-half (1.5) of the scheduled workday, without mitigating circumstances, will be cause to request the employee to use annual leave for the period of absence or to be placed in a leave of absence without pay status for the period and may be cause for further disciplinary action.
- 5.5.4. Approved sick leave must be recorded in KRONOS the first working day the employee returns to work. The employee is responsible for completing this record.
- 5.5.5. Any employee who is absent in excess of three (3) consecutive scheduled work days and who requests sick leave must submit a doctor's excuse justifying the employee's absence. Employees who cannot provide the required documentation may be charged annual leave for their absence and may be subject to disciplinary action.

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- 5.5.6. For extended periods of leave, a physician's statement confirming the necessity of continuing leave must be submitted every thirty (30) days.
- 5.5.7. Employees who transfer to the Department from other state agencies shall be allowed to transfer unused sick leave from their previous position when written documentation of the balance is provided by the previous employer.
- 5.5.8. After a leave of absence, any unused accumulated sick leave will be reinstated if an employee is reinstated within a year from the date of separation.
- 5.5.9. When an employee appears to have a pattern of sick leave abuse, the Commissioner or Designee may:
  - request appropriate substantiation of the employee's claim for leave, such as verification, by a medical practitioner, of illness for less than three (3) days; or
  - subject that employee to more stringent reporting requirements in the future.
  - require an employee that has been absent from work for more than five (5) scheduled work days to provide a fitness for duty certification from a licensed physician prior to their return to work.

## 6. POLICY—Family and Medical Leave

- 6.1. Under the federal Family and Medical Leave Act (FMLA), employees who worked twelve (12), not necessarily consecutive, months for the Department prior to a request for leave, and who worked 1,250 hours during the previous twelve (12) month period are entitled to twelve (12) weeks of unpaid leave for any of the following reasons:
  - 6.1.1. the birth of a child;
  - 6.1.2. adoption or initiating foster care for a child;
  - 6.1.3. need to care for spouse, child, or parent who has a serious health condition; or
  - 6.1.4. serious health condition of the employee.
- 6.2. The Administrative Services Division has the responsibility to review each absence to determine if it is a qualifying event under the guidelines of FMLA.
- 6.3. The employer has sole responsibility for designating the absences as an FMLA qualified event and will notify the employee.
- 6.4. The Department requires that the employee take any paid leaves (comp time, annual, and sick leave), concurrently with FMLA, for the twelve (12) week FMLA leave period.
- 6.5. Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves: inpatient care in hospital or similar institution; or continuing treatment by a health care provider.

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- 6.6. Non-serious health conditions, unless complications develop, are defined as conditions for which cosmetic treatments are administered; common cold, the flu, earaches, upset stomach, minor ulcers, non-migraine headaches, routine dental work, etc.
- 6.7. An employee returning from leave taken under this policy will be reinstated to the employee's same position or to an equivalent position, at the election of the Department, unless the employee would have been discharged in the absence of any leave.
- 6.8. Taking of leave will not result in any loss of benefits or conditions of employment accrued prior to the beginning of the leave period.
- 6.9. Once an employee exhausts all paid leave (comp time, annual, and sick leave) s/he will be responsible to pay the employee portion of any insurance coverages they have to ensure benefit continuation.
- 6.10. The Commissioner or Designee may require an employee to provide a fitness for duty certification from a licensed physician where the employee has been absent from work for the employee's own medical condition.
- 6.11. Spouses employed by the Department are only entitled to a combined total of twelve (12) weeks of family leave under the FMLA for the following reasons:
  - 6.11.1. birth and care of a child;
  - 6.11.2. for the placement of a child for adoption or foster care, and to care for the newly placed child; and,
  - 6.11.3. to care for an employee's parent who has a serious health condition.
- 6.12. Absence from work consistent with the provisions of the FMLA will be applied concurrently whether the employee is removed from payroll, or compensation is continued via accrued sick or annual leave with qualifying absences due to: work-related injuries/Workers' Compensation, parental leave, and personal or medical leaves of absence.
- 6.13. The Director Administrative Services will provide written confirmation of an employee's FMLA or Parental Leave status to communicate the official beginning and ending dates of either of those leave types.
- 6.14. Military Family Leave Entitlements; eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- 6.15. FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a

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single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

## 7. POLICY—Medical Leave Without Pay

- 7.1. Upon application in writing to the Director Administrative Services, and upon receipt of written approval of the Commissioner or Designee, an injured or ill employee may be granted a medical leave of absence without pay for a specific period of time which normally should not exceed six (6) months within a twelve (12) month period provided:
  - 7.1.1. the employee makes application: no later than fifteen (15) calendar days following the date on which the employee filed a claim for Workers' Compensation; or within fifteen (15) calendar days after the employee is injured or ill;
  - 7.1.2. the employee's absence is due to an illness or injury which is verified by a physician/practitioner on the prescribed physician's statement form stating that the employee is unable to perform his/her duties and giving a date for the employee's return to work or the date the employee's medical condition will be re-evaluated;
  - 7.1.3. a physician's statement is submitted every thirty (30) calendar days to confirm the necessity for continued leave; and
  - 7.1.4. the disability, as verified by a physician/practitioner on the prescribed physician's statement form, is not of such nature as to render the employee permanently unable to perform his/her duties.
- 7.2. The Commissioner or Designee shall, at least fifteen (15) days prior to, if possible, but no later than five (5) days following the expiration of the employee's sick leave, mail to the employee a written notice of the employee's right to a medical leave of absence without pay and that the leave will not be granted if the employee fails to apply within the above time limits.
- 7.3. Once an employee exhausts all paid leave (comp time, annual, and sick leave) s/he will be responsible to pay the employee portion of any insurance coverages they have to ensure benefit continuation.
- 7.4. At the expiration of an approved leave of absence without pay, the employee shall be returned to duty to either his/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.
- 7.5. If the leave of absence without pay was granted due to personal illness, the employee

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must furnish from the attending physician/practitioner a prescribed physician's statement form indicating the ability of the employee to return to work.

- 7.6. The Commissioner or Designee may permit an employee to return to work at or before the expiration of the leave of absence at less than full duty, but the terms of return shall be written and are subject to review and renewal every thirty (30) calendar days. Such review may include the requirement of additional certification by a physician.
- 7.7. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance to the Commissioner or Designee, is cause for immediate discharge.

## 8. POLICY—Parental Leave

- 8.1. Under the state Parental Leave Act, any full-time employee who has worked for at least twelve (12) consecutive weeks shall be entitled to a total of twelve (12) weeks of unpaid parental leave, following the exhaustion of all his/her comp time, and annual and sick leave, during any twelve-month period:
  - 8.1.1. because of the birth of a child of the employee;
  - 8.1.2. because of the placement of a child with the employee for adoption; or
  - 8.1.3. in order to care for the employee's child, spouse, parent or dependent who has a serious health condition.
- 8.2. In the case of a child, spouse, parent, or dependent who has a serious health condition, such parental leave may be taken intermittently when medically necessary.
- 8.3. An employee may take parental leave on a part-time basis and on a part-time leave schedule, but the period during which the number of work weeks of leave may be taken may not exceed twelve (12) consecutive months, and such leave shall be scheduled so as not to unduly disrupt the operations of the Department.
- 8.4. If a leave because of birth or adoption is foreseeable, the employee shall provide the Department with two (2) weeks written notice of such expected birth or adoption.
- 8.5. If a leave under this section is foreseeable because of planned medical treatment for a child, spouse, parent or dependent, the employee:
  - 8.5.1. shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Department, subject to the approval of the health care provider of the employee's child; and
  - 8.5.2. shall provide the Department with two (2) weeks written notice prior to the treatment, if possible.
- 8.6. If an employee requests parental leave to care for a child, spouse, parent or dependent with a serious health condition as authorized in this article, the Department may require the employee to provide certification by a health care provider of the health condition.

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- 8.7. The certification shall be sufficient if it contains the following:
- 8.7.1. that the child, spouse, parent or dependent has a serious health condition;
  - 8.7.2. the date the serious health condition commenced and its probable duration;  
and
  - 8.7.3. the medical facts regarding the serious health condition.
- 8.8. The position held by the employee immediately before the leave is commenced shall be held for a period not to exceed the twelve (12) week period of the parental leave and the employee shall be returned to that position provided, the Department may employ a temporary employee or temporary employees to fill said position for the period of the parental leave.
- 8.9. Nothing in this section entitles any returning employee to the accrual of any employment benefits during any period of family leave.
- 8.10. During any parental leave by an employee, the employer shall continue group health insurance coverage for such employee provided the employee pays the Department the premium costs of such group health insurance coverage.
- 8.11. For parental leave taken because of the birth or placement of a child, if both the father and mother of the child work for the Department, they are entitled to a combined total of twelve (12) weeks leave.
- 8.12. Absence from work consistent with the provisions of the Parental Leave Act will be applied concurrently with qualifying FMLA, comp time, and annual and sick leaves as well as, leave of absence without pay.

## **9. POLICY—Bereavement Leave**

- 9.1. The Department of Agriculture has the very generous policy of granting bereavement leave to its employees that is not counted against their sick leave, as is required in other state agencies. This is a privilege granted out of compassion for employees dealing with a difficult time in their lives.
- 9.2. Bereavement leave for the death of an immediate family member may not last more than three (3) business days. The intent of granting three (3) days of bereavement leave for the death of an immediate family member is as follows: The first two days of bereavement leave can only be taken consecutively on the two business days immediately following the death. Day one is intended to give the employee time to deal with the initial shock and grief of their loved one's passing. Day two is intended give the employee time to make necessary arrangements. The third day is intended to give the employee time to attend the memorial service. The third day may or may not be consecutive with the first two days but can only be used to attend the memorial service.
- 9.3. Bereavement leave for the death of an extended family member may not last more than one (1) day and shall be taken for the purpose of attending the memorial service.

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- 9.4. Bereavement leave is available in the case of a death in the immediate or extended family of the employee as defined below:
- 9.4.1. An employee's immediate family consists of: spouse, children, parents, siblings, grandchildren, grandparents, step relations in any of the aforementioned categories and individuals in a legal guardian relationship.
  - 9.4.2. An employee's extended family consists of: aunts, uncles, nieces, nephews, and any in-law relationships to the immediate family categories listed in the preceding section.
- 9.5. Employees will make bereavement leave requests by discussing the request with their immediate supervisor. The employee should send a written request including the obituary (email acceptable) to their Division Director as soon as possible. The Division Director will forward the request to the Director Administrative Services for approval.
- 9.6. Leave in excess of three (3) days for an immediate family member or one (1) day for an extended family member may be granted at the discretion of the Division Director but will be charged to the employee's annual leave.
- 9.7. Bereavement Leave will not be charged to an employee's annual leave or sick leave.

## 10. POLICY—Military Leave

- 10.1. All employees who are members of the National Guard or of any of the Reserve Components of the Armed Forces of the Federal Government shall be entitled to leave of absence from duty without loss of pay or status on all days during which they are engaged in drills or parades, or during business hours ordered by proper authority, or for field training or active service for a maximum period of thirty (30) calendar days in any one (1) calendar year ordered or authorized by proper authority.
- 10.2. The term "without loss of pay" shall mean that the employee shall continue to receive his/her normal salary or compensation, notwithstanding the fact that such employee may have received other compensation during the same period.
- 10.3. An employee shall be required to submit an official order from the appropriate military officer in support of the request for military leave.
- 10.4. The leave of absence for military leave shall be considered as time worked for the Department when computing years of service for benefits and eligibility for increment.
- 10.5. The terms of this Section shall not apply under the provisions of any Selective Training and Service Act, or other such act whereby the President may order into active duty the National Guard and the Reserve Components of the Armed Forces of the Federal Government.

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- 10.6. Any employee entering the U.S. Armed Services in time of war, national emergency or under compulsory provisions of law of the U.S. in time of peace must be granted a leave of absence without pay from the Department.
- 10.7. Upon completion of and discharge from any such armed services and within the applicable time period described by federal statute, rule or regulation regarding return to employment, the employee shall have the right to resume his/her service with the Department without any prejudice whatsoever to his/her status, opportunities or standing by reason of such absence.
- 10.8. Employees shall be credited with all annual leave, sick leave, and comp time not used at the commencement of his/her leave of absence.
- 10.9. These provisions shall not be construed as: an attempt to enlarge or to extend the length of employment of any temporary employee or to create a definite term where no definite term with respect to the position heretofore existed; or as providing that the salary paid by the Department shall continue to be paid to the employee while he/she is not performing the duties of his/her position with the state because of such services with the armed forces of the United States.
- 10.10. To the extent that any portion of this Section of the policy is inconsistent with or conflicts with the requirements of any applicable federal statute, rule, or regulation regarding military leave or re-employment rights, the provisions of the applicable federal statute, rule, or regulation shall govern to the extent that this Section is inconsistent or in conflict with such federal statute, rule, or regulation.

#### **11. POLICY—Court, Jury, and Hearing Leave**

- 11.1. Upon application in writing, an employee shall be granted leave with pay when, in obedience to a subpoena or direction by proper authority, he/she serves on 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.
- 11.2. The employee shall furnish such written confirmation of absence as is required by the Department and must attach the confirmation to the leave slip.
- 11.3. The employee shall be entitled to a leave of absence with pay for the period of absence required to perform such duty. Annual leave will not be charged during the time the employee is on court, jury, or hearing leave.

#### **12. POLICY—Personal Leave of Absence Without Pay**

- 12.1. Upon application in writing to, and upon receipt of written approval of the Commissioner or Designee, an employee may be granted a personal leave of absence without pay for a specific period of time which normally should not exceed six (6) months within a twelve (12) month period.
- 12.2. The Commissioner or Designee may grant a leave of absence at his/her discretion

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based on the Department's personnel needs.

- 12.3. This leave may be taken for a variety of reasons. Each request will be reviewed and determined on a case-by-case basis. Personal leave cannot be taken to work other employment.
- 12.4. A leave of absence without pay may exceed the normal limitation only with the prior approval of the Commissioner or Designee.
- 12.5. Once an employee exhausts all paid leave (comp time, annual, and sick leave) s/he is responsible to pay both the employee and employer portions of any insurance coverages they have to ensure benefit continuation.
- 12.6. At the expiration of a leave of absence without pay, the employee shall be returned to duty to either his/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.
- 12.7. The Commissioner or Designee may permit an employee to return to work at or before the expiration of the leave of absence at less than full duty, but the terms of return shall be written and are subject to review and renewal every thirty (30) calendar days.
- 12.8. Failure of the employee to report promptly at the expiration of a leave of absence without pay, except for satisfactory reasons submitted in advance to the Commissioner, is cause for discharge.

### **13. POLICY—Leave Donation**

- 13.1. The Department may participate in the West Virginia Division of Personnel's Leave Donation Program with the Commissioner's approval and available funding.

### **14. POLICY—Leave Records**

- 14.1. The Department will maintain a current leave record of its' employees accrued and used leave in KRONOS.
- 14.2. Each employee shall have access to his/her leave records via the Internet, or by contacting their division timekeeper or the Administrative Services Division.

### **15. POLICY—Leave Time for Live Organ Donation**

- 15.1. In accordance with West Virginia State Code 29-6-28, under certain circumstances, a full-time state employee is eligible for paid time off work for organ donation that is not charged to their sick leave or annual leave.
  - 15.1.1. A full-time WVDA employee will receive up to one hundred twenty hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of any portion of an adult liver or because of the employee's donation of an adult

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kidney.

15.1.2. A full-time WVDA employee will receive up to fifty-six hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of adult bone marrow.

15.1.3. WVDA will compensate a full-time employee who uses leave granted under this policy at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

15.2. Procedure for Requesting Leave for Live Organ Donation

15.2.1. To request Leave for Live Organ Donation, a full-time WVDA employee must complete the Application for Organ Donation/Testing Leave With Pay (Form WVDA-L11). Form WVDA-L11 may be printed from the appendix of this Policy manual or by contacting the Director Administrative Services.

15.2.2. The employee requesting Leave for Live Organ Donation must also have the Physician's/Practitioner's Statement for Organ Donation/Pre-Operative Testing form (Form WVDA-L12) completed by their treating medical professional. Form WVDA-L12 may be printed from the appendix of this Policy manual or by contacting the Director Administrative Services. The completed form must be received by the Director Administrative Services before the leave request can be approved.

15.2.3. Employees must inform their immediate supervisor of their intention to apply for Leave for Live Organ Donation as soon as they decide to begin the process to allow as much time as possible for the division to plan for coverage of job duties during the employee's absence. Supervisors must inform their Division Director of the employee's request immediately. Additionally, the Division Director must inform the Director Administrative Services immediately.

15.2.4. If the request complies with the stipulations covered in West Virginia State Code 29-6-28, it will be approved.

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## 18.0 WORK RELATED INJURIES AND ACCIDENTS

### 1. PURPOSE

- 1.1. WVDA is committed to a safe workplace and the prevention of work-related injuries or illness. WVDA complies with all state workers' compensation laws that govern work-related injuries and illnesses. Additionally, WVDA has developed a Return to Work Program to assist eligible employees who are temporarily unable to return to regular duties as a result of an employment-related injury or illness (the term 'injury' will be used to reference 'injury and illness'). This outlines the Department's expectations of employees and itself in the event of a work-related injury/accident.

### 2. POLICY

- 2.1. Employees must report all job-related injuries to their immediate supervisor immediately, but absolutely, no later than twenty-four (24) hours after the injury. This includes minor injuries that may not require medical attention. Failure to immediately report all injuries/illnesses may subject the employee to disciplinary action.
- 2.2. The supervisor should assist the employee in seeking first aid or medical care immediately.
- 2.3. An employee should not be transported for care in a State or personal vehicle. An emergency transport vehicle should be called, if possible.
- 2.4. If possible, the supervisor will accompany the employee being transported when off site medical attention is required.
- 2.5. Management retains the right to require employees involved in a work-related injury/accident to be seen by a licensed physician even if the employee feels they have sustained no physical injury.
- 2.6. The employee's immediate supervisor must conduct an injury investigation any time an employee reports a job-related accident. The employee must participate and cooperate to the extent possible in any injury investigation.
- 2.7. The supervisor must conduct an investigation, gather written statements from witnesses, complete a Supervisor's Incident Report (FMO-1012) and report any employee injury/illness, regardless of its severity, to the Division Director immediately. If the Division Director is unavailable, the supervisor must report the employee injury/illness to the Director Administrative Services IMMEDIATELY and inform the Division Director as soon as possible.
- 2.8. Failure to report job-related injuries within the aforementioned timeframe, or to participate in an injury investigation may subject the employee to disciplinary action.

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2.9. Missed work due to work related injury or accident:

- 2.9.1. Employees who have been injured in a work-related accident and are not medically fit for duty cannot obtain benefits from the state Workers' Compensation System and use sick or annual leave benefits at the same time.
- 2.9.2. Workers' Compensation awards may be drawn only for job-related injuries, while sick leave is intended to be used for non-job-related illness or injuries.
- 2.9.3. Sick and/or annual leave may be used until Workers' Compensation (WC) benefits are received. Once WC benefits are received, the employee must "buy back" sick and/or annual leave used during this period.
- 2.9.4. Employees required to be absent from work due to a compensable work-related injury must elect to receive either Temporary Total Disability Benefits, known as TTD Benefits, from Workers' Compensation or paid sick and/or annual leave as soon as possible after the injury.
- 2.9.5. Employees who fail to select either sick and/or annual leave or TTD Benefits and consequently receive both benefits, must repay all pay received for sick and/or annual leave during this period. Reimbursement of leave payment may be made by personal check for the total net value of the paid leave received during this period. Once payment is received the reimbursed leave amounts will be restored.
- 2.9.6. Absence from work consistent with the provisions of the FMLA will be applied concurrently whether the employee is removed from payroll or compensation is continued via accrued sick and/or annual leave with qualifying absences due to: work-related injuries/Workers' Compensation, parental leave, and personal or medical leaves of absence.
- 2.9.7. Any employee who is absent from work as a result of a work-related injury/illness and is subsequently released to return to work at full capacity or in transitional-duties by his/her medical provider and refuses to return to work, may have his/her workers' compensation benefits and/or employment with WVDA terminated.

2.10. Return to work from work related injury or accident

- 2.10.1. First priority is to return the employee to his/her regular assignment with no restrictions. Optional arrangements may be available to employees of the Department who have sustained a work-related injury/illness and are unable to return to work at his/her regular assignment with no restrictions. Temporary salary adjustments may be necessary during this period.
- 2.10.2. If medically able, employees are required to contact their supervisor the SAME day an injury/illness occurs to report the medical provider's findings

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and discuss modified/alternative duties if necessary.

- 2.10.3. Management retains the right to require a “functional capacity” assessment form be completed by a licensed physician before an employee returns to work. (FMO-1018)
- 2.10.4. Upon returning to work, the employee is responsible for working within his/her physical limitations/restrictions set forth in writing by the medical provider.
- 2.10.5. The employee must notify his/her supervisor of any difficulty in performing the job duties and update the supervisor on the recovery process and their ability to perform full/modified/alternative duties immediately.
- 2.10.6. The employee must notify his/her supervisor of any medical appointments as soon as scheduled. The employee is required to use sick or annual leave for the time they are away from work for appointments/treatments. Whenever possible, these appointments/treatments should be scheduled before or after work or at the beginning or end of the employee’s work day to minimize the disruption of operations.
- 2.10.7. The supervisor is responsible for making sure that the injured/ill employee receives first aid, or if necessary, proper medical treatment. If possible, the supervisor will accompany the employee to see the medical provider.
- 2.10.8. The employee is responsible for notifying the medical provider on the first visit, or as soon as possible but before the anticipated return to work date, that WVDA has a Return-To-Work (RTW) program and that modified/alternative duties may be provided. The employee must then provide the Functional Capacity Assessment form (FMO-1018) to the medical provider.
- 2.10.9. Immediately upon the employee’s return to work, the supervisor must meet with the employee to discuss the medical provider’s diagnosis, along with any limitations/restrictions given in writing by the medical provider. The supervisor must consult with the Director Administrative Services to determine if any modified/alternative duties are available.
- 2.10.10. The Division Director must notify the Director Administrative Services IMMEDIATELY of any employee’s work-related injury/illness, regardless of severity and submit the Supervisor’s Incident Report (FMO-1012) signed by the supervisor and the Division Director.
- 2.10.11. Failure to report all work-related injuries/illnesses employees sustain, may subject the supervisor and/or the Division Director to disciplinary action.
- 2.10.12. Director Administrative Services or Designee will act as a liaison between the Department, the injured/ill employee, the medical provider, and the West

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Virginia Workers' Compensation Commission.

- 2.10.13. The Human Resources Specialist will compile and review all paperwork and forms to ensure all documents have been properly handled and submitted to the appropriate parties. The Human Resources Specialist will keep the Director Administrative Services up to date on the situation.
- 2.10.14. The Director Administrative Services or Designee will facilitate discussions with employees and supervisors to ensure that the modified/alternative duties are appropriate and monitored and will assist in gathering any additional information that may be needed to properly handle the RTW efforts.
- 2.10.15. The Human Resources Specialist is responsible for following up on any injury/illness investigation with the cooperation and participation of the injured employee and any witnesses to ensure that the Supervisor Incident Report is complete.
- 2.10.16. The Director Administrative Services will work with Senior Management to determine if temporary salary adjustments are necessary.
- 2.10.17. An employee may work in a transitional-duty assignment compatible with any restrictions/limitations defined by the medical provider in one of the following arrangements:
- Return employee to his/her regular assignment with modifications.
  - Return employee to his/her Division in a less demanding assignment.
  - Return employee to another Division in a compatible assignment.
  - Require re-evaluation of employee's condition/recovery by a medical provider at the end of a six-week transition period.
  - Re-evaluate the situation based on the medical provider's findings to determine the status of the employee, consider possible duty adjustments, time period of the assignment and any salary - adjustments necessary.

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## 19.0 EMPLOYEE CONDUCT STANDARDS

### 1. OBJECTIVE

- 1.1. West Virginia Department of Agriculture (WVDA) adopts this Employee Conduct Standards Policy to ensure orderly operations and provide the best possible work environment. WVDA expects employees and others who may from time to time be engaged to provide services, such as temporary personnel, consultants and independent contractors, to follow these rules of conduct while on agency premises, attending agency functions or otherwise performing work-related activity.
- 1.2. In addition to maintaining and enforcing this policy to protect the interests and safety of all employees and the organization, the West Virginia Department of Agriculture complies with all applicable federal, state and local laws and regulations concerning employer/employee rights and obligations.

### 2. SCOPE

- 2.1. All full- and part-time employees, as well as others who may be engaged in providing services to the agency, such as temporary personnel, consultants and independent contractors, are covered under this policy.

### 3. PROCEDURES

- 3.1. The West Virginia Department of Agriculture is responsible for providing a safe and secure workplace and strives to ensure that all individuals associated with the organization are treated in a respectful and fair manner. Though it is not possible to list all forms of behavior that are considered unacceptable in the workplace, the following are examples of behavior that would be considered infractions of West Virginia Department of Agriculture Employee Conduct Standards.
- 3.2. Such behavior may result in disciplinary action, up to and including termination of employment.

***This list is not intended to be all inclusive:***

- Dishonesty.
- Conviction of a felony.
- Substance abuse.
- Falsification of records.
- Violation of standards as established by State Ethics Commission.
- Violation of rules, regulations and policies as established by the

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Department, State of West Virginia, federal government, or any organization or governing body associated with the Department.

- Sleeping on the job.
- Work related criminal violations.
- Abuse of state property.
- Insubordination.
- Assault and/or battery of a co-worker or others.
- Abusive language and/or gestures.
- Destroying property of others.
- Sexual, verbal, or physical harassment.
- Discrimination.
- Use of state property for private gain or profit.
- Failure to meet deadlines.
- Negligence or poor work performance.
- Any act which proves embarrassing or damaging to the reputation of the Department or Commissioner.

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## 20.0 CORRECTIVE ACTION – DISCIPLINE

### 1. PURPOSE

- 1.1. WVDA values its employees as a major asset in fulfilling its legislated duties. However, when it becomes necessary to address an employee's actions in the workplace, general guidelines of acceptable business conduct will govern. Depending upon the nature and seriousness of the employee's actions, corrective action may begin at any step of the corrective action process. This process will ensure that employees are informed of exactly what behavior or job performance needs to be corrected, it informs employees of the measures they must take to correct unacceptable behavior or performance, and give employees adequate opportunity to correct the situation.
- 1.2. Appropriate/Inappropriate employee conduct is addressed in WVDA Employee Conduct Standards (Policy 19.0) to clearly communicate expectations of employee conduct in the workplace and maintain an orderly and efficient atmosphere in which to work. When conduct standards and/or policies are violated, and/or job performance fails to meet expectations, this practice defines uniform guidelines for appropriate corrective action.

### 2. SCOPE

- 2.1. This policy applies to all WVDA employees statewide.

### 3. OBJECTIVES

- 3.1. Most employees comply with policies and procedures and employee rules of conduct; however, in some cases, when behaviors deviate from acceptable standards, corrective action is necessary. It is important to emphasize to employees the department's position that corrective action is a tool for correcting problems or infractions in order to promote harmonious relationships.

To this end, the WVDA has adopted a "progressive corrective action process". The general concept of this approach, if informal intervention and coaching has previously failed to correct an employee's behavior/performance or rule violation, is to effectively communicate the department's expectation to the employee in a clear, concise and factual manner.
- 3.2. This policy does not limit the authority of the Commissioner given under the Constitution and statutes of the State of West Virginia.
- 3.3. A first-time minor violation does not require written corrective action. In these cases, an informal discussion of the issues of unacceptable behavior between the employee and supervisor generally is the most effective way of correcting the problem. Major violations, breach of policies or employee conduct standards, warrant very serious, immediate action up to and including discharge. This level of action may occur even

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with the first incident, depending on the nature and severity of the offense, and in such case, not all steps of the progressive corrective action process need to be followed.

#### 4. PRINCIPLES OF CORRECTIVE ACTION

4.1. Supervisors should follow sound principles of corrective action by remaining:

- 4.1.1. Calm and in control;
- 4.1.2. Instructive (to demonstrate why certain actions or behaviors should be avoided);
- 4.1.3. Constructive (to prevent recurrence); and
- 4.1.4. Consistent (to avoid discrimination).

4.2. In addition, each case should be looked at on the basis of its own merits and the circumstances surrounding that particular case. The employee should be given the opportunity to explain his/her actions before the supervisor determines the corrective action to be taken. In addition, the supervisor should consider:

- 4.2.1. The seriousness of the violation and the circumstances surrounding the case.
- 4.2.2. The employee's past performance and previous corrective action record.

In all cases, beginning with the immediate supervisor and up through the chain of command, information related to the issue at hand must be communicated immediately or as soon as practicable, to avoid misunderstandings that may further complicate or inflame the situation.

#### 5. GUIDELINES

5.1. Supervisors should carefully investigate and document facts and circumstances that could result in corrective action and should provide the employee an opportunity to explain his or her actions.

5.2. In addition, supervisors must consult with the Director Administrative Services before any action is taken. In most cases, progressive corrective action is appropriate. For example:

- 5.2.1. An oral reminder is issued to the employee on a first offense.
- 5.2.2. For a subsequent violation, the employee receives a written reminder of the continued unacceptable conduct, with reference to the previous discussion. A copy of the notice is placed in the employee's personnel file. Normally, no loss of time or pay occurs at this point.
- 5.2.3. A further infraction will require a more serious written reminder be placed in the employee's file; the employee may also be placed on a performance improvement plan that includes the employee's required corrective actions

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to be taken or completed to remediate the issue; and the employee may also be placed on suspension or Leave Without Pay for a period of time.

- 5.2.4. Should the problem persist, the employee may be demoted or discharged. PLEASE NOTE: Depending on the severity of the incident, any violation may result in termination at any of the above steps. Supervisors should review the above steps with the Director Administrative Services prior to implementation.

5.3. Any recommendation of demotion, suspension or termination must have approval of the Commissioner or Designee.

5.4. Employees may appeal a corrective action through an administrative review. The employee must make his/her request for administrative review to the Director Administrative Services within five (5) working days from the date the corrective action was taken.

- 5.4.1. Formal corrective action documents should be removed from an employee's active personnel file after a total of three years from the date of issuance unless there is a recurring problem.

## 6. MANAGEMENT'S RESPONSIBILITIES

6.1. Communicating proper employee codes of conduct and job expectations and holding their employee accountable. The Supervisor, Division Director and Director Administrative Services will assess corrective actions for employee misconduct.

6.2. Be objective in investigating and collect FACTS.

6.3. Discuss undesirable behaviors, focused on the facts and not the person, with the employee.

6.4. Preparing/collecting all documentation required for the proper administration of this policy.

6.5. Hold all information obtained through this process and action(s) taken as STRICTLY CONFIDENTIAL.

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## 21.0 EMERGENCY SITUATIONS / INCLEMENT WEATHER

### 1. PURPOSE

- 1.1. To ensure continuity of Department operations during emergency situations, including but not limited to inclement weather conditions (“ES/IW”), and to ensure employees are compensated fairly.

### 2. POLICY

- 2.1. Employees may be released from work as a result of emergency situations and/or inclement weather conditions without loss of pay or charge to annual leave by Executive Declaration of the Governor or Commissioner of Agriculture. Such absences shall be recorded as work time.
- 2.2. Absences due to emergency situations or inclement weather conditions which make traveling to work hazardous may be charged to accrued comp time or annual leave.
- 2.3. If an employee is late or absent from work due to an emergency situation or inclement weather, the employee must comply with normal absence notification requirements found elsewhere in this policy.
- 2.4. If an employee is unavailable for work due to illness or previously requested and approved comp time or annual leave, the absence shall be charged to the appropriate form of leave.
- 2.5. During an emergency or inclement weather event, employees may be authorized to telework by their Division Director in lieu of leave use requirement.
- 2.6. Time lost from work during an emergency or inclement weather event that is not covered by Executive Declaration of the Governor or Commissioner of Agriculture may be made up in the same work week at the discretion of the employee’s supervisor and Division Director.
- 2.7. Essential employees who fail to report to work as scheduled during ES/IW may face disciplinary action; Provided, that under appropriate circumstances, essential employees may be excused from work if so directed by the Commissioner or Designee.
- 2.8. Essential employees, in this context, are employees designated as such by the Commissioner or Designee. Essential personnel may include, but are not limited to, those employees directly involved in the safety of those located in Department facilities.
- 2.9. In situations where multiple agencies occupy the same workplace being affected by the emergency or inclement weather, the Commissioner or Designees, shall confer and provide appropriate work directives to the affected employees.

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## 22.0 EMPLOYMENT SEPARATION

### 1. EMPLOYMENT SEPARATION

- 1.1. The Commissioner must approve all discharge actions. The Commissioner or Designee will provide, when possible, written notification of discharge to the employee. The notification will list the terms of separation, including date and status of employee benefits or appropriate benefit referral contact information.
- 1.2. An employee may be subject to a non-disciplinary, involuntary discharge in connection with a shortage of funds, elimination of a position, or the lack of need for the work performed by an employee or group of employees. The Commissioner will give an employee as much notice of the discharge as conditions permit.
- 1.3. Employees who resign are encouraged to provide a thirty (30) day notice to the Commissioner to allow the smooth transition of the resigning employee's workload and responsibilities

### 2. SEPARATION PROCEDURES

- 2.1. Employees who leave the employment of the Department will be required to turn in Department owned tools and equipment, Department-issued Purchasing, Travel, Fuel and/or Long Distance Cards, facility key(s), assigned vehicle key(s), department provided clothing with department logos, and any other Department property assigned to the employee throughout his/her time of employment to their supervisor prior to their final workday. Failure to do so will result in legal action against the former employee to retrieve property.
- 2.2. The Division Director is responsible for ensuring that employee hours worked, leave balances, and outstanding expense reimbursements due to the employee upon the employee's separation from employment are true, accurate, and complete. This information must be forwarded to the Payroll Administrators as soon as possible to process any final payment(s) due to the employee within the timeframe required by law. Also, it is the responsibility of the Division Director to notify the Director of Administrative Services of any current Training Agreements (FMO-1013) the employee has that may reflect funds due the Department.
- 2.3. An exit interview or survey may be made available to employees upon separation from employment. The purpose of the exit interview/survey is to provide the opportunity for the employee to evaluate his/her time of employment with the Department and to suggest improvements. The Commissioner, a member of Senior Management, or Director Administrative Services may conduct exit interviews at the Commissioner's discretion.

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## 23.0 HOSPITALITY AND PROMOTIONS

### 1. PURPOSE

- 1.1. This policy provides guidance on acceptable use of State funds for hospitality and promotions.

### 2. DEFINITION

- 2.1. “**Guest**” means any person who is not an employee of the Department.
- 2.2. “**Hospitality**” means food, non-alcoholic beverages, and related business expenses for the reception of guests by the Department for a specific event or function.
- 2.3. “**Promotion**” means expenditures by the Department for display booths, promotional items at trade shows or similar events, promotion or exposure of service(s) provided, enhancement of professional (not personal) image, and/or the attraction of business and/or clientele for department activities.

### 3. POLICY

- 3.1. Any hospitality or promotional expenditures require the prior written approval of the Commissioner or Designee.
- 3.2. In the conduct of day-to-day business, it is not anticipated that the Department will need to incur meal or other hospitality related expenses involving its employees. However, the following examples represent some circumstances in which the Department, using prudent judgment, may incur expenses involving employees:
- 3.2.1. An event hosted by the Department and specifically planned for participants (guests and/or employees) of a conference, seminar, workshop, or similar event where state employees are attending this event as registered and/or paying attendees, as host/hostess, or other assigned supporting positions.
- 3.2.2. Employees meeting with state employees from other geographic areas or from other agencies for a specific business purpose.
- 3.3. Food and beverages purchased for a hospitality event or function, regardless of the dollar amount, are exempt from bidding procedures but, must have a Hospitality Form (Purchasing’s TMO-3) completed to be paid.
- 3.4. Expenditure requests relating to hospitality or promotions should contain the following information:
- 3.4.1. purpose;

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- 3.4.2. anticipated cost;
  - 3.4.3. funding source;
  - 3.4.4. payee;
  - 3.4.5. date of event;
  - 3.4.6. estimated number of attendees; and
  - 3.4.7. the anticipated benefit of expenditure.
- 3.5. Abuses of hospitality expenses by employees will result in disciplinary action up to and including dismissal.

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## 24.0 TOBACCO USE/VAPING

### 1. PURPOSE

- 1.1. The Department of Agriculture strives to create a safe and healthy workplace for employees and visitors. Tobacco and vaping products are known to cause and potentially cause serious health issues. WVDA recognizes the hazards caused by tobacco and e-cigarette use and the exposure to secondhand tobacco smoke or e-cigarette vapors.

### 2. SCOPE

- 2.1. This policy covers the use of all forms and uses of tobacco and vaping products. All employees, customers, and visitors are expected to comply with the provisions of this policy.

### 3. POLICY

- 3.1. No smoking, vaping or other use of tobacco or vaping products (including, but not limited to, cigarettes, e-cigarettes, pipes, cigars, snuff, or chewing tobacco) is permitted in any part of a State building or in vehicles owned, leased, or rented by the State.
- 3.2. Use of any form of tobacco or vaping products is confined to the outdoors and in designated areas.
- 3.3. No additional breaks beyond those allowed may be taken for the purpose of using tobacco or vaping products.
- 3.4. When smoking, vaping or otherwise using tobacco or similar products outside, do not leave any traces of litter related to these activities on the ground or anywhere else.
- 3.5. Refuse containers are available and must be used in appropriate smoking areas.
- 3.6. Signs will be posted to designate areas where smoking, vaping or other form of use is allowed.
- 3.7. Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

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## 25.0 COMMUTING – PERSONAL USE OF STATE OWNED VEHICLES

### 1. PURPOSE

- 1.1. The intent of this policy is to make more manageable the recognition and administration of commuting in accordance with Internal Revenue Service (IRS) requirements. The policy clearly defines what personal use of a state-owned or leased vehicle is permissible, and defines the employee's responsibilities and requirements for recordkeeping.

### 2. POLICY

- 2.1. The primary concern for our Department deals with when the use of a state vehicle becomes personal income to the employee and must be reported to the IRS via the individual's W-2 form. IRS publication 15-B states that certain fringe benefits may be excluded from income as stated below:
  - 2.1.1. Working Condition Benefits. This exclusion applies to property and services that you provide to an employee so that the employee can perform his or her job. It applies to the extent that the employee could deduct the cost as a business expense or depreciation expense if he or she had paid for it. The employee must meet the substantiation requirements that apply to the deduction. An example of a working condition benefit is an employee's use of a state vehicle for conducting department business...
  - 2.1.2. Vehicle Allocation Rules. If you provide a vehicle for an employee's use, the amount that you can exclude as a working condition benefit is the amount that would be allowable as a deductible business expense if the employee paid for its use. That is, if the employee uses the vehicle for both business and personal use, the value of the working condition benefit is the part determined to be for business use of the vehicle.
  - 2.1.3 Any employee who uses a state-owned or leased vehicle for both business and personal use, is required to keep a daily log, using the Transportation Report Form (FMO-1014), of each type of use. Travel between the employee's residence and their official headquarters is considered personal use and is reportable to the employee as personal income (imputed earnings). If the employee's home is their headquarters, their first and last trips of the day are considered personal use and must be reported as such. As defined by the IRS, commuting means the use of state-owned vehicles by an employee in any of the following circumstances (*see next page*):

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<p><b>EXAMPLE 1: Regular Workday</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Official Headquarters 20</p> <p>Day 1 • Return to Personal Residence 20</p> <p>40</p> <p>Work Miles = 40-20-20 = 0 \$3 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 4: Same Day Travel with a Stop at Headquarters at Beginning and End of Day</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Official Headquarters 20</p> <p>Day 1 • Local Business Stop(s) 80</p> <p>Day 1 • Back to Official Headquarters 40</p> <p>Day 1 • Return to Personal Residence 20</p> <p>160</p> <p>Work Miles = 160-20-20 = 120 \$3 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 7: Regular Workday - Home Headquartered</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Business Stop 20</p> <p>Day 1 • Return to Personal Residence 20</p> <p>40</p> <p>Work Miles = 40-20-20 = 0 \$3 per IRS Commuting Valuation Rule</p>
<p><b>EXAMPLE 2: Same Day Travel with a Stop at Headquarters at End of Day</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Local Business Stop(s) 100</p> <p>Day 1 • Official Headquarters 60</p> <p>Day 1 • Return to Personal Residence 20</p> <p>180</p> <p>Work Miles = 180-20 = 160 \$1.50 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 5: Same Day Travel with Business Stops and Beginning and End of Day</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Local Business Stop(s) 20</p> <p>Day 1 • Official Headquarters 40</p> <p>Day 1 • More Local Business Stop(s) 40</p> <p>Day 1 • Return to Personal Residence 20</p> <p>120</p> <p>Work Miles = 120-0 = 120 \$0 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 8: Same Day Travel - Home Headquartered, Multiple Stops</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • First Business Stop 100</p> <p>Day 1 • Last Business Stop 60</p> <p>Day 1 • Return to Personal Residence 40</p> <p>200</p> <p>Work Miles = 200-140 = 60 \$3.00 per IRS Commuting Valuation Rule</p>
<p><b>EXAMPLE 3: Same Day Travel with a Stop at Headquarters at Beginning of Day</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Official Headquarters 20</p> <p>Day 1 • Local Business Stop(s) 100</p> <p>Day 1 • Return to Personal Residence 40</p> <p>160</p> <p>Work Miles = 160-20 = 140 \$1.50 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 6: Emergency After-Hours Travel</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Official Headquarters 20</p> <p>Day 1 • Emergency Site Stop(s) 100</p> <p>Day 1 • Return to Personal Residence 80</p> <p>200</p> <p>Work Miles = 200-0 = 200 \$0 per IRS Commuting Valuation Rule</p>	<p><b>EXAMPLE 9: Same Day Travel - Home Headquartered, Stop at Guthrie</b></p> <p>Miles</p> <p>Day 1 • Personal Residence</p> <p>Day 1 • Local Business Stop 20</p> <p>Day 1 • Additional Business Stop(s) 80</p> <p>Day 1 • Guthrie 40</p> <p>Day 1 • Return to Personal Residence 20</p> <p>160</p> <p>Work Miles = 160-20-20 = 120 \$3 per IRS Commuting Valuation Rule</p>

2.1.3. Failure on the part of the employee to maintain the proper vehicle use documentation will result in loss of use and/or disciplinary action up to and including termination.

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## 26.0 DRIVER'S LICENSE & MOVING VEHICLE RECORD

### 1. POLICY

- 1.1. The West Virginia Department of Agriculture (WVDA) believes the ability, experience and attitude of drivers is a key factor in the employee selection process. Establishing qualifications standards for new and existing employees that have motor vehicle driving duties as a part of their routine job duties with WVDA is an important part of our employment process. To enforce these standards, WVDA has implemented the following driver qualification procedures:

### 2. PROCEDURES

#### 2.1. Driver Age Requirements:

- 2.1.1. All drivers must be a minimum of eighteen (18) years of age to drive a WVDA owned motor vehicle or to drive their personal vehicle to conduct WVDA business.

#### 2.2. License

- 2.2.1. All WVDA applicants for employment who are required to operate a motor vehicle as part of their employment duties and responsibilities with WVDA will present a legible copy of all their driver's license(s) to the WVDA Payroll Administrator prior to their employment. A review of the license will be conducted to be certain it is valid, has not expired and is appropriate for the class of vehicles in which driving is required.
- 2.2.2. Whenever operating WVDA vehicles or operating their personal vehicle for WVDA business, employees must have in their possession a valid driver's license.
- 2.2.3. Employees will notify their supervisor if their license is suspended, revoked, or expired.
- 2.2.4. WVDA will maintain a process that checks licenses for status as circumstance dictates. As part of this process, existing WVDA employees may be requested to provide a copy of their current driver's license upon the request of a member of the Executive Division or Administrative Services at any time.
- 2.2.5. Those employees who drive vehicles that require a Commercial Driver's License (CDL) must comply with the WV Department of Motor Vehicles requirements for medical examinations, endorsements, license renewal, etc.
- 2.2.6. All WVDA employees who are required to operate a motor vehicle as part

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of their employment duties must follow all applicable federal, state and local laws, rules and regulations, policies and procedures, including, but not limited to, WVDA Travel Policy. A formal review of WVDA drivers' Motor Vehicle Record (MVR) will be conducted as circumstance dictates to ensure that existing drivers are meeting the established qualification standards.

- 2.2.7. If it is determined the driver's license is suspended, revoked, or expired, the employee may no longer drive a WVDA vehicle or drive their personal vehicle for WVDA employment duties and responsibilities until the employee provides to their Division Director, Director Administrative Services and Chief of Staff bona fide documents attesting that their driver's license privileges have been legally and lawfully reinstated.
- 2.2.8. Any employee whose license has been revoked or suspended may be unable to work because they cannot fulfill an essential function of their job duties until the license has been reinstated. If the employee cannot perform an essential function of their job, it may be grounds for dismissal.
- 2.2.9. Administrative Services may conduct the same record inquiry of current employee's driver's licenses to meet any legal, insurance, employment, or other bona fide reason.
- 2.2.10. A driver's license and any associated records are personal and confidential and shall only be discussed with authorized personnel. All records shall be maintained in a safe and secure manner by Administrative Services.
- 2.2.11. No driver will be allowed to drive a WVDA vehicle if their license is currently suspended by the Department of Motor Vehicles.
- 2.2.12. Each employee involved in a preventable, at-fault vehicular accident, whether in a WVDA vehicle or a personal vehicle and whether it involves the public or not, will be required to view WVDA's most recent driver training materials.
- 2.2.13. An employee for whom driving is an essential function of their job duties who receives any moving violation while driving a WVDA vehicle or while driving their personal vehicle on department business, must notify their supervisor of the incident immediately. Any corrective action will be evaluated based on the type and severity of the incident.
- 2.2.14. Employees are responsible for any cost associated with a citation when operating a WVDA vehicle and are to provide proof that the citation has been satisfied.

### 3. Training

- 3.1. Any WVDA employee required to operate a motor vehicle will be required to complete

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any driver training program as required by WVDA and/or the WV Board of Risk Management. Failure to complete the required training may prohibit the employee from operating a WVDA vehicle or operating their personal vehicle for WVDA business, which may cause the employee to be unable to fulfill an essential function of their job duties and jeopardize their employment.

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## 27.0 PERSONAL PROPERTY AND EXPECTATION OF PRIVACY POLICY

### 1. PURPOSE

- 1.1. To outline and communicate West Virginia Department of Agriculture's position on an employee's Personal Property and Expectations of Privacy in the workplace.

### 2. POLICY

- 2.1. The West Virginia Department of Agriculture (WVDA) assumes no liability whatsoever for the damage, loss or theft caused by third parties to the personal property of its employees.
- 2.2. All storage facilities, offices and workspaces, including desks and lockers, are the property of WVDA who reserves its right to have access to these areas and to such property at any time, without advance notice to any employee. Therefore, employees should not expect that such property will be treated as private and personal to the employee.
- 2.3. Electronic mail, voice mail and internet accounts are also company property and are to be used only for business purposes. WVDA reserves the right to inspect, monitor and have access to company computers, electronic mail, voice mail messages and internet communications as outlined in Policy 31.0 Internet and Technology Use.
- 2.4. To promote the safety of employees and visitors, as well as the security of its facilities, WVDA reserves the right to conduct video surveillance of any portion of its premises at any time. Video cameras will be positioned in appropriate places within and around its buildings. The only exceptions to this policy include private areas whereby an individual would have a reasonable expectation of privacy such as restrooms, showers and dressing rooms.
- 2.5. Tampering with or modifying any monitoring device is strictly prohibited and is subject to disciplinary action up to and including termination of employment.

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## 28.0 EDUCATION REIMBURSEMENT

The West Virginia Department of Agriculture supports and encourages employees to receive training to enhance their professional skills thereby improving their ability to deliver appropriate and effective services to the citizens of the State. In some cases, training is expensive and constitutes an asset both to the individual and employer. It is, therefore, reasonable and prudent for the WVDA to require that individuals who are provided access to certain training at public expense demonstrate a tenured commitment to the public they serve.

### 1. PURPOSE

- 1.1. This policy establishes criteria for employees to attend training and to reimburse the State, if required, under the provisions of this policy. Training is intended to develop a higher level of skill, to develop an increase in professional or technical knowledge, or to obtain an advanced level or professional accreditation. Routine job training, certain conferences, or training costing less than \$1,000 may be excluded from this policy. Exclusion is at the discretion of the Commissioner or his/her Designee.

### 2. SCOPE

- 2.1. This policy applies to all Department of Agriculture full-time, part-time and temporary employees.

### 3. POLICY

- 3.1. WVDA requires that a Training/Certification/License Agreement (FMO-1013) form be signed by the individual receiving training in accordance with this policy when the total cost of the training for all expenses involved (such as, tuition or registration fee, airfare, mileage, lodging, meals, and incidentals) is at or above the \$1,000 threshold per training course.

### 4. DEFINITIONS

- 4.1. **Active Employment**: For the purpose of this policy, active employment does not include time spent off payroll.
- 4.2. **Credit (Applicability)**: Credit towards reimbursement for training/expenses will be given to the employee on a twelve-month pro-rated basis for each month of active employment after completion of training. The pro-rated amount due may be withheld from the final pay amount due to the employee at the time of separation.
- 4.3. **Employee**: A person who lawfully occupies a full-time, part-time, or temporary position with the Department of Agriculture and who is paid a wage or salary.
  - 4.3.1. **Full-Time Equivalent (FTE)**: The decimal equivalent value of a position. A full-time position based on 40 hours per workweek or 2080 hours per year

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is 1.00 FTE and is eligible for full benefits.

- 4.3.2. **Part-Time Employee:** An employee who works less 40 hours per workweek/less than 2080 hours per year, has an FTE value that is less than 1.00 but at least .50, and earns pro-rata benefits based on their FTE value.
- 4.3.3. **Temporary Employee:** An employee that is only eligible to work up to 1,000 hours per calendar year; is paid on an hourly basis; and is not eligible for benefits.
- 4.4. **Employment:** Employment with the Department of Agriculture is for an unspecified duration and constitutes “at-will” employment. Therefore, the employment relationship may be terminated at any time, with or without cause, at the option of either the employer or employee, with or without notice.
- 4.5. **Exemption:** Training/Certification/License Agreement may not be required for training/expenses less than \$1,000. Determination will be made by the Commissioner or Designee.
- 4.6. **Fund Reimbursement:** Individuals whose training tuition and related expenses (per course or class) meets or exceeds the \$1,000 threshold shall sign the training reimbursement agreement (FMO-1013) prior to enrollment. The agreement must be approved by the Commissioner or Designee.
- 4.7. **Process of Paperwork:** An employee must request approval for training by submitting a (FMO-1013) Agreement form to their Supervisor or Division Director for consideration. If the Division Director approves, the request will be submitted to the Deputy Commissioner or Chief of Staff for evaluation. Upon authorization from the Deputy Commissioner or Chief of Staff, signed copies of the Agreement will be sent to the Division Director and the employee. The original signed Agreement will be placed in the employee’s Personnel File.
- 4.8. **Recovery:** The employee will be held accountable for the pro-rated amount owed to the Department in the event of resignation.
- 4.9. **Training/Certification/License Agreement:** Employee is required to sign a Training/Certification/License Agreement (FMO-1013) per course or training. This will be used to determine the recovery amount, if any.
- 4.10. **Waiver (optional):** The following conditions may reduce the reimbursement commitment (at the discretion of Commissioner or Designee):
  - 4.10.1. Discharge;
  - 4.10.2. Life threatening/disabling condition of immediate family (spouse, children, parents, dependents)
  - 4.10.3. Partial disability;
  - 4.10.4. Significant extenuating circumstances.

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4.11. **Waiver (total)**: The following conditions waive the reimbursement commitment:

4.11.1. Death;

4.11.2. Permanent disability;

4.11.3. Other – at the discretion of the Commissioner or Designee.

## 5. DISCRETIONARY

5.1. This document does not create entitlement to training or reimbursement to any employee. All training must be pre-approved and is at the discretion of the Commissioner or his/her Designee.

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## 29.0 WHISTLE-BLOWER

### 1. PURPOSE

- 1.1. To communicate employees' rights and protections related to whistleblowing.
- 1.2. The West Virginia Whistle-blower Law protects public employees against discharge, discrimination, or retaliation when they, in good faith, report any instances of: (1) waste --substantial abuse, misuse, destruction, or loss of public funds or resources; or (2) wrongdoing --non-technical violations of any statute, regulation, ordinance, or code of ethics designed to protect the public interest.

### 2. DEFINITIONS

The following words and phrases when used in this article have the meanings given to them in this section unless the context clearly indicates otherwise:

- 2.1. "**Appropriate authority**" means an, officer, agent, representative or supervisory employee of the Department of Agriculture. The term includes, but is not limited to, the office of the attorney general, the office of the state auditor, the commission on special investigations, the Legislature and committees of the Legislature having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.
- 2.2. "**Employee**" means a person who performs a full or part-time service for wages, salary, or other remuneration under a contract of hire, written or oral, express or implied, for a public body.
- 2.3. "**Employer**" means a person supervising one or more employees, including the employee in question, a superior of that supervisor, or an agent of a public body.
- 2.4. "**Good faith report**" means a report of conduct defined in the law as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.
- 2.5. "**Public body**" means any of the following:
  - 2.5.1. A department, division, officer, agency, bureau, board, commission, court in its non-judicial functions only, council, institution, spending unit, authority or other instrumentality of the state of West Virginia;
- 2.6. "**Waste**" means an employer or employee's conduct or omission which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from federal, state or political subdivision sources.

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- 2.7. "**Whistle-blower**" means a person who witnesses or has evidence of wrongdoing or waste while employed with a public body and who makes a good faith report of, or testifies to, the wrongdoing or waste, verbally or in writing, to one of the employee's superiors, to an agent of the employer or to an appropriate authority.
- 2.8. "**Wrongdoing**" means a violation which is not of a merely technical or minimal nature of a federal or state statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.

### 3. REPORTING A CONCERN

- 3.1. Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.
- 3.2. The act of making repeated allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment.
- 3.3. Employees should first discuss their concern with their immediate supervisor. If, after speaking with their supervisor, the individual continues to have reasonable grounds to believe the Concern is valid, the individual should follow their Division's chain of command to pursue reporting the Concern up to the Director of Administrative Services, Deputy Commissioner or Chief of Staff. In addition, if the individual is uncomfortable speaking with his or her Division's chain of command, or they are the subject of the Concern, the individual should report his/her Concern directly to the Director of Administrative Services, Deputy Commissioner or Chief of Staff.
- 3.4. If the concern was reported verbally to the Director of Administrative Services, the reporting individual, with assistance from the Director of Administrative Services or Designee, shall reduce the Concern to writing for the person reporting to sign. The Director of Administrative Services is required to promptly report the Concern to the Chief of Staff or Deputy Commissioner, who has specific and exclusive responsibility to investigate all concerns. If the Director of Administrative Services, for any reason, does not promptly forward the Concern, the individual should directly report it to the Chief of Staff or Deputy Commissioner.

### 4. HANDLING OF REPORTED VIOLATION

- 4.1. WVDA will address all reported Concerns in a timely manner. An investigator will be

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assigned to gather information and report his/her findings to the Chief of Staff or Deputy Commissioner.

## 5. CONFIDENTIALITY

- 5.1. Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
- 5.2. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and **including termination of employment.**

**The Department of Agriculture shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations set forth in this policy.**

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## 30.0 POLITICAL ACTIVITIES

### 1. PURPOSE

- 1.1. As responsible and interested citizens in a democratic society, employees of the West Virginia Department of Agriculture are encouraged to fulfill their civic obligations and otherwise engage in the normal political processes of society. Nevertheless, all Department employees' political activities are restricted to an extent. This policy serves as a guide to illustrate political activities that are deemed acceptable and unacceptable.

### 2. POLICY

- 2.1. The Constitution of the State of West Virginia, and subsequent legislative and legal action, authorizes and designates the Commissioner of Agriculture as an independently elected constitutional office. As such, employees of the Department of Agriculture are not covered by or subject to the WV Department of Administration's Division of Personnel policies.
- 2.2. In certain cases, the Federal Hatch Act (5 US Code 1501-1508) is more restrictive than state law and the department policy. Therefore, to the extent that employees are covered by the Hatch Act, the provisions of this section of the policy do not apply. The Federal Hatch Act governing state and local employees applies to any "individual employed by a state or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency, but does not include (a.) an individual who exercises no functions in connections with that activity..."
- 2.3. Employees do not forfeit their rights as citizens. In fact, the Commissioner encourages employees to participate in the political process. An employee retains the right to vote as he/she chooses and to express opinions as a citizen on all subjects.
- 2.4. Political affiliation shall not be a consideration in any personnel action taken by the Commissioner and shall not be a factor in the conduct of the business of the Department.
- 2.5. Employees of the Department of Agriculture are prohibited from:
  - 2.5.1. using any official authority or influence to interfere or influence an election or nomination for office;
  - 2.5.2. posting or distributing campaign literature or material in a state office building or other state facility;
  - 2.5.3. posting or distributing campaign literature or material in or on a state vehicle;
  - 2.5.4. directly or indirectly soliciting, coercing, attempting to coerce, commanding, or advising another employee to pay, lend, or contribute anything of value to a political party, organization, agency or person for

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political purposes; or

- 2.5.5. conducting campaigning activities on Department owned or operated property (including arranging for campaigning by candidates) and may not conduct such activities among employees who are performing the work of the Department.

2.6. Employees of the Department of Agriculture may:

- 2.6.1. voluntarily campaign for a candidate or political party during non-work time, off state property, and without use of state supplies or equipment; provided that these activities are within the provisions of applicable election guidelines and laws and so long as the employee is not paid a fee other than expenses incurred;
- 2.6.2. voluntarily sell or purchase tickets to political affairs, dinners, rallies, or events during non-work time; provided that supervisors and managers may not sell, or attempt to sell such tickets to subordinate employees;
- 2.6.3. voluntarily erect campaign signs, material, or literature on private property as long as the property is not used as a state office or an official office headquarters site;
- 2.6.4. voluntarily attend political dinners, rallies, and dances;
- 2.6.5. voluntarily serve on campaign committees for a candidate, so long as he/she is not receiving compensation for the service;
- 2.6.6. voluntarily make a monetary contribution to a political party or candidate not to exceed limitations established by law; and
- 2.6.7. be a candidate for a local non-paid political office (partisan or non-partisan); provided that the campaign activities or the duties of the office are not conducted during Department work time.

2.7. Employees of the Department of Agriculture may not:

- 2.7.1. sell tickets to political affairs to subordinate employees;
- 2.7.2. serve as a campaign financial agent or treasurer for a political committee or candidate;
- 2.7.3. be a candidate for any partisan or non-partisan national or state paid public office or court of record;
- 2.7.4. be a member of any national, state, or local committee of a political party;
- 2.7.5. hold any paid elective or appointive office;
- 2.7.6. solicit or receive any assessment, subscription, or contribution from subordinate employees;

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- 2.7.7. use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, for the purpose of influencing the vote or political action of any person; or
  - 2.7.8. post or distribute campaign literature in a state office building, on state owned or leased property or during work hours. This includes employee organization bulletin boards.
- 2.8. Employees who violate the provisions of this policy will be subject to disciplinary action.

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## 31.0 INTERNET & TECHNOLOGY USE

### 1. PURPOSE

- 1.1. The use of computer systems and the exchange of information electronically have increased rapidly. Within West Virginia Department of Agriculture there is a growing reliance on computer systems to aid in communications and improve management and control. This growing dependence comes at a time when the number of threats and actual attacks on these computer systems is constantly increasing. Information is one of our most important assets and each one of us has a responsibility to ensure the security of this information. Accurate, timely, relevant and properly protected information is essential to the successful operation of the WVDA. The purpose of this Information Technology (I.T.) Security Policy and its supporting policies, standards and guidelines is to define the security controls necessary to safeguard WVDA information systems and ensure the security, confidentiality, availability and integrity of the information held therein.

### 2. SCOPE

- 2.1. This policy is authorized by West Virginia Department of Agriculture Senior Management Team and represents WVDA position. The policy takes precedence over all other relevant policies which may have been developed.
- 2.2. This policy applies to all WVDA staff, students, contractors, sub-contractors, affiliated agency staff and authorized third party providers that use the organizations Information Technology resources and/or process information on behalf of the WVDA.

### 3. POLICY

- 3.1. This policy is mandatory and by accessing any information or Information Technology (IT) resources which are owned or leased by the WVDA, users are agreeing to abide by the terms of this policy.
- 3.2. The Department's technology and communications systems (including e-mail and voicemail) are the property of the State of West Virginia and the West Virginia Department of Agriculture.
- 3.3. Computing resources shall be used to carry out the legitimate business of the State and the Department only.
- 3.4. The sole purpose for which users may access the Internet through the Department is to carry out the Department's legitimate business purposes.
- 3.5. Viewing, downloading, copying, sending, or processing information outside the scope of Department business is prohibited.
- 3.6. Access to the Department system is a privilege and not a right, conditioned upon

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adherence to the Department’s policies and rules regarding Internet access, and access or privileges to any system may be denied or revoked at any time for any reason without notice.

### 3.7. Policy – Internet Access

- 3.7.1. Use of the Department network is limited to Department employees and such other persons as the Department may specifically authorize.
- 3.7.2. Because all Internet transactions conducted from the Department network could be perceived as authorized Department or State activities, Department users must follow all applicable laws, regulations, and policies when accessing the Internet.
- 3.7.3. Such laws and regulations, include, without limitation, those governing copyright, defamation, privacy, publicity, and the access or use of other’s computer or communication systems.
- 3.7.4. There is no right to privacy in the Department’s technology and communications systems.
- 3.7.5. Any information placed in the system may be monitored, used, or disclosed by authorized personnel.
- 3.7.6. The Department reserves the right to access and disclose, for any purpose, the contents of any Internet communication, sent to and from the Department’s computer equipment including, but not limited to, e-mail.
- 3.7.7. All Department users, including employees, waive any right to privacy in Internet communications, and consent to access and disclosure of Internet communications by authorized Department personnel.

### 3.8. Policy -- Internet (Web) Use

#### 3.8.1. Guiding Principles:

- Information mounted on the Agriculture web-server always remains the property and therefore responsibility of the person/group concerned.
- Information has a defined life requiring a “review at” date and a “remove on” date before public release.
- It is the responsibility of the information owner to ensure that their information remains current; always contact web administration.
- Information owners will be notified on the “review date” that access to their information will be disabled at the “remove on” date unless the currency is reviewed and amended.
- Appropriate approvals are required before information will be mounted.

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- It is the owner's responsibility to present their information in a form accessible from web browsers.
- 3.8.2. Information system release procedures will apply ensuring that information cannot be altered without the formal approval of the information owner.
- 3.8.3. Web Controller (Person who controls web server at agriculture.wv.gov):
  - Ensures that the information is mounted per the owner's requirement.
- 3.8.4. Notifies the information owner that their review date has passed.

### 3.9. Policy -- Information Owners:

- 3.9.1. It is the responsibility of the information owner to maintain and ensure that information is current and accurate.
- 3.9.2. All information to be placed on the web server must have "review at" and "remove on" dates agreed by the organizational head or his/her Designee.
- 3.9.3. At the "review on" date, the information owner will be notified that the information requires review.
- 3.9.4. At the "remove on" date, if no action has occurred, access to the information will be disabled.
- 3.9.5. At the "review on" date or before as agreed with the information owner, access to the information will be again permitted by the Web Administrator.
- 3.9.6. Modifications or entirely new versions will be accepted after appropriate testing.

### 3.10. General Issues:

- 3.10.1. The visually impaired, and/or limited vision individuals must be kept in mind when documents are prepared.
- 3.10.2. The advisability of using techniques such as Java plug-ins.
- 3.10.3. All official HTML format documents must be formatted using a variant of HTML publishing that is by a recognized international standards body.
- 3.10.4. An indication of size of files such as image, sound, and digital video should be clearly stated to indicate the download time for a particular file.

## 4. POLICY – EMAIL USAGE

### 4.1. General Principles

- 4.1.1. Do:
  - Use personal and professional courtesy and considerations in email.
  - Comply with all state and federal laws.
  - Check twice before you send.

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4.1.2. Do Not:

- Send or forward chain letters or unsolicited email (“spam”).
- Access or disclose other people’s email without authorized permissions.
- Use email for personal financial gain (except where permitted by academic policy).
- Use email to violate laws (such as unauthorized computer access or copyright infringements).
- Let personal email burden IT resources.

4.2. Cautions:

- 4.2.1. The department cannot, in general, protect users from receiving electronic email they may find offensive.
- 4.2.2. The security and confidentiality of email cannot be guaranteed. Password protections are not foolproof.
- 4.2.3. The department may access or disclose your email under specific circumstances described in the policy.
- 4.2.4. Backup copies may be retained for periods of time and in locations unknown to senders and recipients for security reasons. Please create a personal folder to store back up to your email that is older than 80 days.
- 4.2.5. Messages that are not archived will be removed every 90 days.
- 4.2.6. Mail box size will be set at 75MB, and a warning level at 50MB.
- 4.2.7. Email will be filtered for pornography, jokes and any other non-business related SPAM mail.
- 4.2.8. Surf Control software will determine what mail is SPAM, not WVDA IT Department.

## 5. POLICY -- DATA STORAGE

5.1. Users are responsible for their data; maintenance will be performed by IT Division.

5.2. All security practices will be followed as stated in the security policy.

5.3. Unacceptable Use

- 5.3.1. The creation or transmission (other than for properly supervised and lawful research purposes) of any offensive, obscene or indecent images, data or other material, or any data capable of being resolved into obscene or indecent images or material.
- 5.3.2. The creation or transmission of material which is designed or likely to cause annoyance, inconvenience or needless anxiety.

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- 5.3.3. The creation or transmission of defamatory material.
- 5.3.4. The transmission of unsolicited commercial or advertising material either to other User Organizations, or to organizations connected to other networks, except where that material is embedded within, or is otherwise part of, a service to which the member of the User Organizations has chosen to subscribe.
- 5.4. Deliberate activities with any of the following characteristics:
  - 5.4.1. Wasting staff effort or networking resources, including time on the end system accessible and the effort of staff involved in the support of those system.
  - 5.4.2. Corrupting or destroying other users' data.
  - 5.4.3. Violating the privacy of other users.
  - 5.4.4. Disrupting the work of other users.
  - 5.4.5. Introduction of viruses. Denying service to other users.
  - 5.4.6. Transmission of material that infringes on copyrights, or deliberate unauthorized access to facilities or services accessible via WVDA network.

## 6. POLICY -- COMPLIANCE

- 6.1. It is the responsibility of WVDA IT to take steps to ensure compliance.
- 6.2. When necessary, services may be taken from users or result in suspensions.
- 6.3. If violation is illegal or unlawful, proper authorities will be contacted.
- 6.4. Security Policy Administration:
  - 6.4.1. All information resources, regardless of medium, will be used, maintained disclosed, and disposed of per law, regulation, or policy.
  - 6.4.2. All employees and others who access computer systems will be provided with sufficient training in policies and procedures, including security requirements, correct use of information resources, and other organizational controls.
  - 6.4.3. A document risk analysis program will be implemented and a risk analysis will be conducted periodically.
  - 6.4.4. A cost-effective incident response/business recovery plan will be maintained providing for prompt and effective continuation of critical missions in the event of a security incident.
  - 6.4.5. Procedures, guidelines, and mechanisms that are utilized during a security incident, along with the roles and responsibilities of the incident

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management teams, must be established and reviewed regularly.

## 7. POLICY -- ACCESS CONTROLS

- 7.1. Access controls must be consistent with all state, federal, and local laws and statutes and will be implemented in accordance with this policy.
- 7.2. Procedures must be implemented to protect information resources from accidental, inadvertent, unauthorized, or malicious disclosure, modification, or destruction.
- 7.3. Appropriate controls must be established and maintained to protect the confidentiality of passwords used for authentication.
- 7.4. Individual users must have unique user ids and passwords.
- 7.5. All employees are accountable for maintaining the security of their user ids and passwords. In the event their employment is terminated; user ids and authorizations will be disabled immediately.
- 7.6. Confidential or sensitive data (i.e., credit card numbers, calling card numbers, log on passwords, etc.) must be encrypted before being transmitted through the Internet.
- 7.7. The network access firewall and/or secure gateway must be configured to deny all incoming service unless explicitly permitted.
- 7.8. Data and supporting software necessary for the continuation of agency functions will be periodically backed up at a frequency determined by risk analysis.
- 7.9. All information assets must be accounted for and will have an assigned owner.
- 7.10. Owners, custodians, and users of information resources must be identified and their responsibilities defined and documented.
- 7.11. All access to computing resources will be granted on a need-to-use basis.
- 7.12. Each owner or custodian of information will determine its classification based on the circumstances and the nature of the information.
- 7.13. The owner or custodian will determine the protective guidelines that apply for each level of information. They include the following:
  - Access
  - Distribution within WVDA
  - Distribution outside WVDA
  - Electronic distribution
  - Disposal/Destruction
  - All programmable computing devices must be equipped with up-to-date virus protection software, if available.
  - Virus protection procedures will be developed to address system protection.

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## 8. POLICY -- PERSONNEL PRACTICES:

- 8.1. All IT assets, including hardware, software, and data are owned by WVDA unless excepted by contractual agreement.
- 8.2. Information resources are designed for authorized purposes only. WVDA reserves the right to monitor and review employees' use as required for legal, audit, or legitimate authorized State operational or management purposes.
- 8.3. All employees must sign a confidentiality statement indicating that they have read, understand, and will abide by agency policies and procedures regarding IT security. (page ii of Policy and Procedures Manual).
- 8.4. All employees must abide by the policies regarding acceptable and unacceptable uses of IT resources.
- 8.5. Notice of Confidentiality statement will be created by the IT Division Director and disbursed to all WVDA employees to include on every outgoing email.

## 9. POLICY – SECURITY CAMERA SURVEILLANCE AND MONITORING

- 9.1. All WVDA property and assets can/will be monitored via security cameras with the exceptions as outlined in this policy or by WV state code for the purposes of enhancing public safety, discouraging theft and other criminal activities, and investigating incidents.
- 9.2. No monitoring or recording will be conducted in areas in which a person has a reasonable expectation of privacy, including, but not limited to, non-common areas of bathrooms, shower areas, locker and changing rooms and other areas where a reasonable person might change clothes in accordance with WV State Code.
- 9.3. All security monitoring will be done in accordance with WV State Code.
- 9.4. Responsibility for oversight of installation, maintenance, and utilization of security cameras and associated policies, standards, and procedures is delegated by the Chief of Staff and Director of Information Technology.
- 9.5. Consistent with the requirements of state law, security cameras utilized by the West Virginia Department of Agriculture will not record sound.
- 9.6. All permissions for viewing security systems is directly controlled by the Information Technology division.
- 9.7. Access to view the security systems must be given by the Division director or the Chief of Staff.
- 9.8. Security camera footage may be monitored and reviewed as needed to support investigations and to enhance public safety.

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- 9.9. Except in emergency or investigative situations, all locations with security cameras will have signs displayed that provide reasonable notification of the presence of security cameras. Notification signs shall be placed in conspicuous areas near the security cameras. For buildings with interior cameras, this shall include, at a minimum, the placement of signs at all primary building entrances. All such signs shall contain a notification that the cameras may or may not be monitored.
- 9.10. Security cameras shall not be used to conduct personal investigations.
- 9.11. Video footage will be stored on IT servers with appropriate computer security.
- 9.12. Security camera footage will be retained in accordance with WVDA records and retention policies.
- 9.13. Requests for release of recorded material must be approved by the Chief of Staff. Requests for release of recorded material set forth in subpoenas or other legal documents compelling disclosure should be directed to Human Resources, legal counsel, or Chief of Staff.
- 9.14. Persons having questions about the use of monitoring cameras not subject to this policy should direct those questions to the Chief of Staff or your immediate supervisor.
- 9.15. Uses or security cameras beyond those described in this security policy shall be governed by the West Virginia Department of Agriculture policies and procedures.
- 9.16. Divisions or employees desiring the installation and use of security cameras shall submit a request to the Information Technology division or Chief of Staff.

## **10. POLICY – IT ASSET DISPOSAL, SURPLUS, OR TRANSFER**

- 10.1. All IT assets, including hardware, software, and data are owned by WVDA unless excepted by contractual agreement.
- 10.2. All employee IT asset transfers within the department that contain a state tag must be reported to the WVDA IT division and updated accordingly in the KACE inventory system. WVDA IT will distribute an electronic “Asset Transfer Letter” to all individuals involved to be electronically signed. The “Asset Transfer Letter” will be retained in the Asset history in the KACE inventory system for the life of the asset or in accordance with WVDA retention policies. Failure to follow this policy will result in referral to HR or Chief of Staff for further disciplinary action.
- 10.3. All desktops, laptops, servers, and computer peripherals must be delivered to and disposed of or recycled properly by the IT division.
- 10.4. All desktops, laptops, servers, and computer peripherals that are to be retired or sent to surplus must be delivered to the designated IT inventory analyst for update in wvOASIS and KACE inventory systems; respectively.

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## **11. POLICY – HARDWARE/SOFTWARE PROCUREMENT**

- 11.1. All procurement of desktops, laptops, servers, and computer peripherals must be completed and approved by the Information Technology division.
- 11.2. Any deviation from the above requirement must have the direct written approval of the Director of Information Technology.
- 11.3. All purchases must comply with WVDA and State of WV procurement guidelines.
- 11.4. All purchases must have proper funding source and must be approved by the director of the division requesting purchase.

## **12. POLICY – SOFTWARE USAGE**

- 12.1. All software installed on WVDA computers must be approved and completed by the IT division.
- 12.2. Prior to the use of any software, the employee must receive instructions on any licensing agreements relating to the software, including any restrictions on use of the software.
- 12.3. Employees are prohibited from bringing software from home and loading it onto the business's computer hardware without approval from the Information Technology Division.
- 12.4. Unless express approval is given by the Information Technology Division, software cannot be taken home and loaded on an employee's home computer.
- 12.5. The unauthorized duplicating, acquiring or use of software copies is prohibited. Any employee who makes, acquires, or uses unauthorized copies of software will be referred to Human Resources or WVDA Chief of Staff for further disciplinary action. The illegal duplication of software or other copyrighted works is not condoned. Anyone found to be involved in illegal activities will be subject to disciplinary action up to and including termination of employment.

## **13. POLICY -- PHYSICAL AND ENVIRONMENT SECURITY**

- 13.1. Information resources facilities will be physically secured by appropriate measures. IT personnel will respond to threats to facilities and physical resources.
- 13.2. Security vulnerabilities will be determined and controls will be established to detect and respond to threats to facilities and physical resources.
- 13.3. Critical or sensitive data handled outside of secure areas will receive the level of protection necessary to ensure integrity and confidentiality.
- 13.4. Equipment will be secured and protected from physical and environmental damage.
- 13.5. Equipment used outside State premises will be given the same degree of security

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protection as that of on-site information resource equipment.

#### **14. POLICY – BRING YOUR OWN DEVICE POLICY**

14.1. Employees may utilize personal devices for electronic communications while employed with the West Virginia Department of Agriculture.

14.2. Employees may connect their personal devices to West Virginia Department of Agriculture network and equipment.

14.3. Employees using personal devices for business will register the device with the Information Technology Division.

14.3.1. Each employee who utilizes personal mobile devices agrees:

- Not to download or transfer sensitive information (SSN#, Driver's License, HR related documents, etc.) to the device.
- Not to use the registered mobile device as the sole repository for information.
- To make every reasonable effort to ensure that West Virginia Department of Agriculture information is not compromised using mobile equipment in a public place. Screens displaying sensitive or critical information should not be seen by unauthorized persons and all registered devices should be password protected.
- Not to share the device with other individuals to protect the business data access through the device.
- To abide by West Virginia Department of Agriculture internet policy for appropriate use and access of internet sites etc.
- In the event of termination of employment or notification from supervisor, the Information Technology division will remotely wipe all business-related data from the device without prior notification or approval.
- All device activity can/will be monitored and/or recorded while connected to West Virginia Department of Agriculture networks or equipment.

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## 32.0 TRAVEL POLICY

### 1. GENERAL

- 1.1. Scope – This Travel Policy governs travel by all West Virginia Department of Agriculture officers, board members, employees, consultants, contractors and anyone authorized to be reimbursed travel expenses by or on behalf of the West Virginia Department of Agriculture, except where otherwise specified in the State Code, WVDA purchase order or contract, and includes all in-state, out-of-state and international travel.
- 1.2. Authority – West Virginia Code §12-3-11.
- 1.3. **Effective Date – January 4, 2020**
- 1.4. Definitions:

For purposes of this Policy, the following terms are defined:

- 1.4.1 “Accountable plan” is a plan that follows IRS regulations for reimbursing workers for business expenses in which reimbursement is not counted as income. This means that reimbursements are not subject to withholding taxes or W-2 reporting.
- 1.4.2 “Commissioner” means the head of the West Virginia Department of Agriculture and Affiliates as provided in State Code.
- 1.4.3 “Commissioner’s Designee” means Department staff member(s) who have been delegated authority to act on behalf of the Commissioner to conduct Department business.
- 1.4.4 “Department” means the West Virginia Department of Agriculture and Affiliates.
- 1.4.5 “Director” means a “Division Director” or “Executive Director” of a sub-set of the Department who has the authority to issue final approval of Travel Authorization and Travel Expense Account Settlement Forms.
- 1.4.6 “Division” means a sub-set of the Department of Agriculture or Affiliate.
- 1.4.7 “e-Travel System” means the electronic tool approved for planning, authorizing and submitting reimbursement requests for business-related travel expenses.
- 1.4.8 “GSA” means the U.S. General Services Administration of the federal

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government which sets standardized rates for reimbursement of travel expenses. GSA rates are typically effective for the Federal fiscal year which runs from October 1 through September 30.

- 1.4.9 “Headquarters” or “Official Headquarters” is the city/town, county, state and specific location the employee is assigned as his or her primary work site. For most employees, this will be the location they report to each day and where most of their activities are performed during their normal routine.
- 1.4.10 “In-State Travel” means official travel for duty assignments that takes place at a work location within the geographic boundaries of the State of West Virginia.
- 1.4.11 “Meal Reimbursement Rate” means the non-taxable per diem rate established by the Federal General Services Administration (GSA) for allowable meal reimbursement(s) amounts per day.
- 1.4.12 “Official Meeting” means a meeting held to conduct State business that fulfills IRS requirements as non-taxable expense.
- 1.4.13 “Out-of-State Travel” means official travel for duty assignments that takes place at a work location outside the geographic boundaries of the State of West Virginia.
- 1.4.14 "Policy" means this Travel Policy.
- 1.4.15 The State’s “Purchasing Card” also referred to as the “P-Card” is a card-based method of payment issued to an individual for state business expenses and administered by the West Virginia State Auditor’s Office. Use of a P-Card for travel expenses is contingent upon approval by the West Virginia State Auditor’s Office and implementation of an e-Travel system. Cards will be issued as a “One Card” to allow for both business-related purchases and travel expenses, or a “Travel P-Card” which will be restricted for use for travel expenses only, depending on job duties of the employee.
- 1.4.16 “Residence” (also referred to as “Home”) is the *physical* location of the employee’s official domicile as indicated by its street address, rural route number, or 911 mapping address.
- 1.4.17 “State” means the State of West Virginia.
- 1.4.18 “State-Owned Vehicle” is a vehicle registered to the State of West Virginia, either owned outright by the Department of Agriculture or Affiliate or leased by the Department from the State Fleet Management Division.

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- 1.4.19 "Third Party Booking" means using an internet travel site such as Expedia, Travelocity, Orbitz, Kayak, Hotels.com and the like, where a traveler may research and book travel reservations.
- 1.4.20 "Travel Authorization" means the form/format approved by the West Virginia Department of Agriculture that is to be used for approving travel under this Policy whether in an electronic travel management solution or on paper.
- 1.4.21 "Traveler" means anyone authorized to be reimbursed travel expenses by or on behalf of the Department.
- 1.4.22 "Travel Expense Report" means the form/format approved by the West Virginia Department of Agriculture that is to be used for settling all travel related expenses incurred pursuant to this Policy, whether in an electronic travel management solution or on paper.
- 1.4.23 "Travel Ghost Account" also referred to as the "Ghost P-Card" or "Ghost Card" is a card issued to a Division custodian as a payment method for travel expenses for multiple employees, administered by the State Auditor's Office P-Card Program, and subject to the *State Auditor's Office Purchasing Card Policies and Procedures Manual*.
- 1.4.24 "Travel Status" is defined as the authorized period of travel time away from the official duty station commencing with the time of departure and ending with the time of return.

## 2. GENERAL INFORMATION

- 2.1. The Department has an "accountable plan" for reimbursement of travel expenses and will only reimburse for an allowed per diem amount, actual expenses, or in an amount deemed appropriate that is substantiated with proper documentation and includes approval by the Commissioner or Designee. Any reimbursement amount that is not substantiated or is in excess of established GSA per diem rates will be treated as taxable income to the employee.
- 2.2. Authority, and the associated responsibility, to manage, approve, or disapprove travel and travel-related expense is delegated exclusively to the Director. Authority may be revoked or overruled at any time by the Commissioner or his Designee.
- 2.3. Travel may be authorized only for official business that has been approved in writing by the Division Director and only if the Division has the financial resources to reimburse the traveler for travel expenses.
- 2.4. Travel expenses will be reimbursed for legitimate and reasonable expenses

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- considered necessary for the proper conduct of Department business in accordance with this Policy and established GSA rates in effect at the time of the travel.
- 2.5. A Traveler is considered in “travel status” for mileage reimbursement when he or she is traveling on behalf of the Department, which includes leaving his/her assigned official work location to perform duties at other locations.
    - 2.5.1 Travelers who work multiple stations which necessitate automobile travel are in travel status from the moment of departure from their official headquarters until return to official headquarters. If a Traveler does not return to the official headquarters at the end of a day or a trip, the Traveler shall not be eligible for mileage on their personal car in excess of the mileage to return to official headquarters.
    - 2.5.2 When an employee’s official headquarters is changed to a location that requires additional travel of a distance at least fifty (50) miles greater than their previous commute and requires the relocation of the employee’s residence, the employee may be allowed up to thirty (30) calendar days travel expenses to commute, for purposes of conducting the business of the Department, from their old residence location to their new headquarters location or a state vehicle may be provided for the commute upon written approval of the Commissioner or his Designee. This provision does not apply to voluntary relocation. If the employee elects not to change their residence, the employee shall not be allowed expenses related to the change in headquarters after the 30-calendar day period.
  - 2.6 Approval to travel must be secured in advance by the Traveler from his or her Director which includes leaving his/her official headquarters to perform duties at other locations.
  - 2.7 The Divisions shall audit and submit an accurate Travel Expense Report for reimbursement to the Administrative Services Division within ten (10) days after submission by the traveler. Final approval of a Traveler’s expense report by the Director means that the Travel Expense Report meets all criteria established by this Policy for reimbursement.
    - 2.7.1 Travelers should submit an expense report at least once a month or once a quarter when the total reimbursement is less than \$100. It is the responsibility of the Director to review and approve employee expense accounts within ten (10) business days of receipt and forward to the Administrative Services Division.
    - 2.7.2 Travel expenses incurred during the month of June must be submitted within ten (10) business days of the last date of travel or the end of the month, whichever comes first, in order to accommodate fiscal year-end processing.

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- 2.7.3 The Administrative Services Division shall submit the documents to the appropriate executive agencies of State government within five (5) business days for further review in order to complete the process.
- 2.8 Travelers may use established statewide contracts for travel services or deal directly with the service vendor. Third-Party Booking sites to make hotel and airfare reservations shall only be used with prior written approval by the Commissioner or Designee.
- 2.9 Cash Advances
  - 2.9.1 For a Traveler to request a cash advance for meals and/or mileage prior to incurring the cost, substantial justification must be provided through the existing paper request form or the e-Travel System after implementation, if approved by the Director. Documentation must clearly state situations or financial hardships that may arise that warrant a cash advance and must be submitted to the Director of Administrative Services no later than fifteen (15) days prior to travel.
  - 2.9.2 Upon agency approval of the cash advance request, the Administrative Services Division will submit the request to the State Auditor's Office at least ten (10) days prior to the travel for final approval.
  - 2.9.3 Outstanding Cash Advance Report – Employees can only have one (1) outstanding cash advance at any time. The employee has primary responsibility for compliance with reconciliation and reporting requirements. The Director will be responsible for ensuring that each allowance is submitted to the Administrative Services Division within fifteen (15) calendar days to be cleared through the Auditor's Office process within thirty (30) calendar days of the last date of the advance.

### 3. REIMBURSEMENT

- 3.1. Reimbursement of travel expenses incurred by consultants, contractors and non-employees will be in accordance with this Policy, unless otherwise specified in the purchase order or contract with the Department.
- 3.2. Travel Expense Reports must be completed by the Traveler using current paper forms until implementation of the State's e-Travel system. Travel Expense Reports, regardless of the media used for submission, must have all required receipts and forms attached before submitting to Administrative Services.
- 3.3. Divisions are responsible for auditing Travel Expense Reports regardless of the

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medium used for submission. The Traveler has the primary responsibility to comply with this Policy. The act of approving Travel Expense Reports to authorize payment attaches equal responsibility to the Director for compliance with this Policy.

- 3.4. Itemized receipts are required for expenses claimed in excess of \$75 unless otherwise specifically addressed in this Policy.
- 3.5. When a receipt is required, the receipt must be the original, valid, itemized receipt issued by the vendor or service provider documenting the transaction. Travelers shall sign the receipt to verify that it is an original, valid, itemized receipt issued by the vendor or service provider.
- 3.6. When an acceptable form of receipt is not available, a Traveler shall create, in paper or electronic form, an itemized list reflecting the goods or services purchased, vendor name, date of purchase, and price. The physical or electronic signatures of the Traveler and the Director are required, along with whatever receipt or other documentation is available.
- 3.7. If the required original documents are not available, the itemized list created in accordance with 3.6 must be certified as an original to be submitted for payment. This certification must be completed by the Traveler, and at a minimum, by the Director, and the Chief Financial Officer or the Commissioner.

#### 4. MEALS

- 4.1. Meal expense maximum daily rates and the Breakfast, Lunch and Dinner increments for both In-State and Out-of-State travel will be reimbursed at the GSA per diem rates established by the Federal government for the travel destination at the time of travel. Reimbursement in excess of the GSA rate must be approved by the Commissioner or Designee and the excess will be recorded as income for the traveler.
  - 4.1.1 Alcohol and entertainment expenses are specifically excluded.
  - 4.1.2 Meal reimbursement is allowed when lodging is listed as “gratis” or “no charge”.
  - 4.1.3 Meal and incidental rates differ by travel location; incidentals are included in the meal per diem and are therefore not separately reimbursable. Examples of incidental expenses are fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants, transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site; and mailing cost associated with filing travel vouchers and payment of government charge card billings.

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- 4.1.4 Current rates and the per diem meal and incidental breakdown may be found at the GSA website at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.
- 4.1.5 First and Last Day of Travel Meal Allowances
  - 4.1.5.1 Meal reimbursement for the first and last day of travel while absent from official headquarters on overnight status will be at the rate of 75% of the total GSA daily reimbursement rate in effect at the time of travel.
  - 4.1.5.2 Meal reimbursement for all days, other than the first and last day of travel while absent from official headquarters on overnight status, will be at the GSA rate established by the Federal government less the individual meal rate for any meals included in registration fees or provided gratis.
- 4.1.6 Official Meeting Meals – Written approval must be obtained from the Commissioner or his Designee when meals are an integral part of an official meeting, and/or in excess of the allowable reimbursement. A meal is considered an integral part of a meeting when any of the following are met:
  - 4.1.6.1 The meeting continues throughout mealtime(s) or has no scheduled break for a meal in its agenda; or
  - 4.1.6.2 There are lectures, presentations, or other activities directly related to the purpose of the meeting carried out during the mealtime(s); or
  - 4.1.6.3 The employee's duties or participation in the meeting require the employee to be present, participating in the meeting throughout mealtime(s); or
  - 4.1.6.4 The location of the meeting, length of mealtime break, or other factors make it extremely difficult or prohibitive to find meals at an alternate location away from the meeting location.
  - 4.1.6.5 Documentation, including the Commissioner's or Designee's written approval and the cost and necessity of the meeting meal, must be provided with other reimbursement documentation.
- 4.2 Tips and other incidental expenses are not separately reimbursable, as they are included in the meal reimbursement rate.
- 4.3 Adjustments to Meal Reimbursement Rates

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- 4.3.1 Exceptions may be granted to meal reimbursement rates when necessitated by unusual situations. These exceptions require prior written authorization by the Commissioner or his Designee. When expenses are approved in excess of per diem rates, itemized receipts are required for the meal and incidental expenses for the entire day; otherwise, the difference between the reimbursement claimed and the applicable GSA rate will be taxable income to the traveler.
- 4.3.2 A meal provided by a common carrier or as a complimentary meal provided by a hotel/motel does not reduce the maximum reimbursable rate.
- 4.3.3 Travelers may be required to provide a copy of the Meeting Agenda that includes if meals are on your own or are provided – paperwork included with expense request as part of the backup documentation for expenses claimed.
- 4.3.4 Travelers are to adjust meal reimbursement requests for meals that are included in the registration fee or are otherwise provided.
- 4.4 Extraordinary Meal Expense Reimbursement
  - 4.4.1 Meal expenses for single day travel are not reimbursable unless the Traveler is in travel status for more than 12 continuous hours in a 24-hour period and reimbursement has been approved by the Commissioner or his Designee.
  - 4.4.2 The maximum reimbursement allowable under 4.4 is 75% of the GSA rate for the destination. Date and time of departure and return must be clearly noted on the Travel Expense Report. Documentation of hours worked as recorded in the timekeeping system must be attached to the travel reimbursement request.
  - 4.4.3 Single-day meal reimbursements will be recorded as taxable income to the employee via a wvOASIS payroll entry after the reimbursement is paid. The amount of any single-day meal reimbursements received will be added to the employee's taxable gross income for the year in which the reimbursement is paid.

## 5. TRANSPORTATION

### 5.1. Air Transportation

#### 5.1.1. Commercial Airlines

- 5.1.1.1. Allowable reimbursement for commercial airline travel shall include the actual cost for the least expensive logical fare via the most direct route, or a reasonable alternative route if it results in a lower fare.

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- 5.1.1.2. Travelers should make air travel bookings through the State's e-Travel System to utilize the statewide contract. However, employees may check other options to document lower rates. Reimbursement for tickets where reservations were not made through the State's e-Travel System requires prior authorization from the Commissioner or his Designee.
- 5.1.1.3. Electronic tickets (e-tickets) are the industry standard and are issued automatically unless a paper ticket is specifically requested by the traveler. Costs for obtaining paper tickets are not reimbursable, as e-tickets are deemed sufficient for traveling and reimbursement.
- 5.1.1.4. Airfare should be paid by the Travel Ghost Account. Itemized receipts are required for Travel Ghost P-Card monthly reconciliation. Additionally, a copy of the itemized receipt paid by Travel Ghost P-Card must be attached to the employee's Travel Expense Report when it is submitted for reimbursement.
- 5.1.1.5. Inappropriate Actions
  - 5.1.1.5.1. Travelers may not deliberately cause increased costs or delays to obtain personal gratuities, such as denied boarding compensation, frequent flier points or mileage or other benefits.
  - 5.1.1.5.2. Conversion of airline tickets for personal benefit, such as downgrading tickets, returning unused tickets for cash, credit or personal airline tickets or other similar action is prohibited.
  - 5.1.1.5.3. Travelers may not specify a particular airline to accumulate mileage or promotional plans such as frequent flyer programs if it results in a higher fare. Travelers may retain, for personal use, frequent flyer points properly accumulated.
  - 5.1.1.5.4. If an increase in airfare is caused by the Traveler without legitimate excuse, the increased costs of the airfare are a personal expense of the Traveler and will not be reimbursed.
  - 5.1.1.5.5. If an increase in airfare is incurred through no fault of the Traveler and the Commissioner or his Designee has approved the increase, the increased cost is reimbursable.
- 5.1.1.6. The Administrative Services Division must be notified immediately if airline tickets are unused or refundable for proper credit or refund.

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5.1.2. Non-Commercial Aircraft Service – For any state-owned or private aircraft services to be used, necessary arrangements must be coordinated through the Executive Division.

## 5.2. Ground Transportation

### 5.2.1. Generally

- 5.2.1.1. A Traveler may use a state-owned, commercial rental or privately-owned vehicle for travel that is not a routine part of the employee's official duties. The traveler should seek to use a state-owned vehicle, if a suitable one is available, followed by the least cost option of a personal vehicle or commercial rental (when the total cost of a rental also includes the additional time involved in obtaining and returning the vehicle).
- 5.2.1.2. Employees will be reimbursed for costs incurred to wash a vehicle, whether a State-owned, rental or personal vehicle, as required for strict adherence to bio-security rules.
- 5.2.1.3. A Traveler must possess a valid operator's license to drive a State owned or personal vehicle while traveling on behalf of the Department.
- 5.2.1.4. The Traveler is responsible for following all applicable laws and requirements while driving and for any fines and/or penalties resulting from citations, charges or warrants attributable to actions of the operator. Such fines and/or penalties are not reimbursable expenses.
- 5.2.1.5. When a Traveler requests to drive his/her personal vehicle rather than fly for business, reimbursement should be based on actual in-transit expenses (mileage and other costs incurred while in-transit, such as lodging, meals, parking, tolls, etc.), not to exceed the least expensive logical commercial airline cost plus local transportation to and from the airport and parking (where required). It is the responsibility of the Director to ensure that the employee is choosing the most cost-efficient method.
- 5.2.1.6. Travel between the place of residence and the official headquarters is not reimbursable. A manager may authorize an employee to start their travel from the employee's place of residence or other approved location rather than from the official headquarters when the distance from the place of departure to the destination would be less than the distance from the official headquarters to the destination. If an employee is required to travel from their home to a destination that is not their official headquarters, and then travel on to their official

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headquarters, only the mileage in excess of their normal commute to the official headquarters will be reimbursed.

- 5.2.1.7. A Traveler must successfully complete the driver training course provided through BRIM or another comparable training provided gratis for State agencies before they will be allowed to operate a State-owned vehicle, commercial rental or personally owned vehicle for Department business.

#### 5.2.2. State-Owned Vehicles

- 5.2.2.1. State-owned and leased vehicles may be operated by State employees. Non-employees who have a connection with or have a business purpose may be permitted as passengers but may not operate the state-owned vehicle.
- 5.2.2.2. Expenses incurred for the use of a state-owned vehicle, such as gasoline, parking and tolls, not chargeable to the vehicle's fuel card are reimbursable upon the Traveler providing a valid itemized receipt for expenses.
- 5.2.2.3. Use of tobacco or vapor products in State-owned vehicles is prohibited.

#### 5.2.3. Commercial Rental Vehicles

- 5.2.3.1. A commercial rental vehicle should only be used when it is the least cost option (when the total cost also includes the additional time involved in obtaining and returning the vehicle) and, a suitable State-owned vehicle is not available. Travelers shall obtain prior approval from their Director to rent a vehicle.
- 5.2.3.2. A Travel Ghost Account is the only acceptable method of payment when renting a vehicle. Reimbursement for rentals made outside of the statewide car rental contract requires prior authorization from the Commissioner or his Designee. Itemized receipts are required for Travel Ghost P-Card monthly reconciliation. Additionally, a copy of the itemized receipt paid by Travel Ghost P-Card must be attached to the employee's Travel Expense Report when it is submitted for reimbursement.
- 5.2.3.3. Travelers must use the statewide contract for car rental services, unless the State contracts for car rental services do not have:
  - a. A location in the specific area,
  - b. The type of vehicle needed, and/or
  - c. The vehicle for the duration needed.

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All contracted rates are accessible through the e-Travel System. If the State contract for car rental services is not used, then the Traveler must note the reason on the Travel Expense Report.

- 5.2.3.4. For travel of more than a few days in duration, weekly rental rates may be reimbursed if they result in a lower total cost than the daily rate, at the discretion of the Director.
- 5.2.3.5. Reimbursement for commercial rental vehicles will be made at actual cost for the daily rental charge for a mid-size or smaller vehicle, plus mileage fees and fuel costs. Reimbursement for rental expenses (including fuel costs) requires valid, itemized receipts as supporting documentation.
- 5.2.3.6. Reimbursement may be made for a full-size vehicle if more than three (3) people are traveling together on business and for larger vehicles if a group of five (5) or more is traveling together.
- 5.2.3.7. Larger vehicles may be rented when situations warrant (i.e. negotiating rough terrain, transporting large groups of people or equipment or other extenuating circumstances) as approved by the Commissioner or his Designee.
- 5.2.3.8. The State Purchasing Card does not cover the rental of trucks, campers, off-road vehicles, trailers, motorized bikes, motorcycles and motorized scooters, antique cars, high value, special interest and exotic cars, or vans that seat more than eight (8) occupants.
- 5.2.3.9. Vehicles shall be returned to the rental agency with a full tank of fuel.
- 5.2.3.10. Collision Damage Insurance (CDW)
  - 5.2.3.10.1. The State contract(s) for car rental services may provide CDW insurance for some vehicles that are excluded by the Purchasing Card.
  - 5.2.3.10.2. The Purchasing Card provides CDW coverage at no cost for rentals up to thirty-one (31) days.
- 5.2.3.11. No other insurance or insurance-like product is reimbursable for rental vehicles used in the United States, unless required by law. Full coverage insurance is a reimbursable expense for any approved rental vehicle used outside the United States.

#### 5.2.4. Privately-Owned Vehicles

- 5.2.4.1 Privately-owned vehicles may be used for state travel when a

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suitable State-owned vehicle is not available and is approved by the Division Director. A commercial rental vehicle may be considered when it is the least cost option (including the additional time involved in obtaining and returning the vehicle).

- 5.2.4.2 Mileage reimbursement for privately owned vehicles engaged in Department business will be based on the GSA rate in effect at the time of the travel. The rate covers all operating costs, such as fuel, maintenance, insurance, etc., and no additional reimbursement will be made for such expenses. There will be no reimbursement of expense for commuting between the Traveler's home and official headquarters.
- 5.2.4.3 Current rates for privately-owned vehicles may be found at the GSA website at <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc>.
- 5.2.4.4 Distances should be based on the shortest practical routes between destinations as calculated by Google Maps.
  - 5.2.4.4.1 Travel for which mileage is claimed shall normally begin and end at the Traveler's official headquarters. Exception to this is only if the cost to the Department is less than if the employee departed from or returned to their official headquarters.
- 5.2.4.5 Tenths of a mile (.x) are to be rounded using standard rounding, i.e., one through four-tenths (.1 - .4) are rounded down and five through nine-tenths (.5 - .9) are rounded up to the nearest whole number.
- 5.2.4.6 Receipts are not required for mileage reimbursement when using privately-owned vehicles. Google Maps will be used to verify accuracy of mileage claimed.
- 5.2.4.7 Insurance
  - 5.2.4.7.1 Owner's personal automobile insurance shall be primary for liability and collision coverage. Owner should contact their automobile insurer to discuss coverage available/required when using their personal vehicle on Department business.
  - 5.2.4.7.2 The Department's insurer, BRIM (Board of Risk & Insurance Management) will provide excess liability

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coverage for additional protection of the Department when an employee is using their personal vehicle in the course of Department business.

5.2.4.7.3 BRIM does not provide collision coverage for a personal automobile regardless of the cause. Further, BRIM will not pay the owner's deductible.

#### 5.2.5 Rail Service

5.2.5.1 Travelers shall make advance bookings for rail service through the Statewide Contract for Travel Services, using the least expensive logical fare via the most direct route or other reasonable route that results in a lower fare.

5.2.5.2 The cost of rail service should be paid by a Travel Ghost Account. Itemized receipts are required. Additionally, a copy of the itemized receipt paid by Travel Ghost P-Card must be attached to the employee's Travel Expense Report when it is submitted for reimbursement.

#### 5.2.6 Other Ground Transportation

5.2.6.1 When courtesy transportation is provided by a hotel, motel, or other service facility, the Traveler is encouraged to use such service.

5.2.6.2 Travelers may be reimbursed for taxi, ride share services, bus, and other forms of public transportation. Receipts are not required if under the limit authorized by the Department, currently \$75.

### 6. LODGING

6.1. Lodging for a Traveler is reimbursable where the distance is more than fifty (50) miles from his or her official work location or home, whichever is the shorter distance, and an overnight stay is required. Exceptions may be made if official duties require an employee to be more than fifty (50) miles from his or her home and work an extended work day due to official meetings, training, or other State business. Exceptions require prior written authorization by the Commissioner or his Designee

6.2. Travelers shall only book lodging through a Third-Party booking vendor that has been approved by the Commissioner or Designee. **The traveler may not receive reimbursement without an itemized invoice or folio.**

6.3. The lodging facility location should be as convenient as possible to the location

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where business is being conducted.

- 6.4. Allowable reimbursement for lodging shall include the actual expense for overnight accommodation and all applicable taxes and surcharges. Employees are reimbursed for lodging up to the maximum GSA per diem established by the federal government. Travelers may request reimbursement above the per diem, not to exceed 300 percent (300%) of the maximum per diem allowance. Request for reimbursement above the GSA per diem allowance should be made in advance of travel and approved by the Division Director.
- 6.5. Sales tax is to be paid if the lodging facility is located outside the State of West Virginia. When using the Travel Ghost Account for travel, purchases made with this card for in-state travel are exempt from any form of taxation.
- 6.6. If more than one Traveler requests to share a room, one of the Travelers may claim the total charge at the rate charged for the number of persons in one room; each Traveler will need to be referenced on the other Travel Expense Account Settlement Forms. They may also request the total charge be split between them accordingly and each issued their own separate folio or receipt for reimbursement.
- 6.7. Original receipts signed by the traveler are required for lodging reimbursement. A valid, itemized invoice or folio shall be the official document utilized for reimbursement to the Traveler. Reference 3.6 for certified document procedures.
- 6.8. If an increase in the lodging charge is incurred due to the Traveler being directed to change travel plans or due to extenuating circumstances arising beyond the control of the Traveler, then the increase is reimbursable. Increased charges incurred due to the Traveler's negligence to notify the lodging facility are the personal expense of the Traveler and are not reimbursable.
- 6.9. Lodging should be paid on a Travel Ghost Account. Additionally, a copy of the itemized folio paid by Travel Ghost P-Card must be attached to the employee's Travel Expense Report when it is submitted for reimbursement.

## 7. REGISTRATION FEES

- 7.1. Registration fees and event-related materials for meetings, conferences, seminars, and/or workshops are reimbursable.
- 7.2. Receipts with accompanying documentation provided by the event sponsor shall be sufficient for reimbursement and include, at a minimum, date(s), time(s), location and cost of the event. Itemized receipts are required for Travel Ghost P-Card monthly reconciliation. Additionally, a copy of the itemized receipt paid by Travel Ghost P-Card must be attached to the employee's Travel Expense Report when it is submitted for reimbursement.
- 7.3. If a cancellation charge is incurred, the charge is reimbursable if the Traveler is

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directed to change his/her travel plans, or if other extenuating circumstances beyond the Traveler's control arise. Charges incurred due to the negligence of the Traveler to notify the event sponsor are considered a personal expense.

## 8. OTHER EXPENSES

- 8.1. Travelers may incur miscellaneous business-related expenses for which reimbursement may be made, if appropriate. Receipts are required for any individual expenditure in excess of \$75.

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

- a. Baggage storage between appointments and between hotels and meeting places;
- b. Tolls, garage, and parking fees - excluding valet parking for personal convenience;
- c. Communication expenses such as phone calls or internet connectivity fees;
- d. Currency conversion;
- e. Guides, interpreters, and visa fees; and
- f. Laundry and dry cleaning when an employee is in travel status in excess of seven days without returning home

- 8.2. Valet charges will only be reimbursed where self-parking is not available; where self-parking costs more than valet parking; or where the safety of the Traveler may be jeopardized.

- 8.3. Expenses for travel in foreign countries are to be reported in United States dollars. Expenditures in foreign currencies must be converted into United States dollars at the rate or rates at which the foreign currency was obtained. The rates of conversion and commissions must be shown on an attachment to the Travel Expense Report.

- 8.4. When a non-employee who is not traveling as a participant in the business reason for the trip accompanies a Traveler on an official business trip, the State shall in no way be responsible or liable for any expenses, actions or inaction of the non-employee.

## 9. TRAVEL FORMS

- 9.1. The WVDA approved format is to be used when seeking prior approval for reimbursement for travel expenses or submitting a request for reimbursement.

- 9.2. Out-of-State Travel Requests

- 9.2.1. Each instance of out-of-state travel requires that the employee file an Out-of-State Travel Request form issued by the Administrative Services Division to

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*Revision Number:* *7*

obtain the necessary approvals of the Director and the Commissioner or his Designee. Each out-of-state travel request requires that the GSA rates for the destination be printed and attached to support the calculation of total estimated per diem expenses requested for the travel.

- 9.2.2. The request should be processed at least fifteen (15) working days in advance of the planned trip when possible. If more than one Department employee is requesting to attend the same out-of-state training, conference or event, it is the responsibility of the Director to submit all requests as a package to the Commissioner or his Designee for consideration.
- 9.3. After implementation of the State's e-Travel system, any Department employee seeking approval for reimbursement of travel expenses must use the electronic method to submit the request according to this Policy.
- 9.4. Any non-employee seeking approval or reimbursement for travel expenses must use a WVDA approved form to submit the request according to this Policy. The form must contain the Traveler's original signature, in blue ink. Any invoice or receipt requiring original certification must be certified by the non-employee Traveler, and at a minimum by the Director, and the Chief Financial Officer of the Department, Commissioner or Designee, or as approved by the State Auditor in emergency situations.

## 10. RESTRICTIONS, EXCEPTIONS OR WAIVERS

- 10.1. Travel Expense Reports submitted for which an exception, waiver or deviation from this Policy has been made shall be processed separately from reports without exceptions, waivers or deviations. The need for specialized audit review may result in longer processing times.
- 10.2. This Policy may be revoked, suspended, rescinded, or amended at any time by the Commissioner or his Designee.

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## **APPENDIX - FORMS**

FMO-1006 NEW EMPLOYEE HIRE CHECKLIST FOR MANAGERS



New Employee Hire  
Checklist for Managers (To be submitted with hire request.)

**Equipment and Supplies**

Among the tasks to be completed prior to your new employee starting is the provisioning of proper equipment and supplies, which should be in place for their first day of work. This helps to establish both a level of comfort for the new hire as well as the means for work projects to begin in a timely manner.

Equipment and supplies to be provided for

(Name of Employee)

Need to Purchase	Already Have	Not Applicable	Equipment/Supplies
<i>Check the appropriate column for each item.</i>			
			Office Telephone
			Cell Phone
			Mobile Hot Spot
			Computer and Monitor
			Tablet
			State Vehicle
			Office Space
			Printer
			Photocopier
			Scanner
			Fax Machine
			Business Cards
			Uniform
			ID Card
			Badge
			<b>List Specific Items Needed for Each of these Supplies</b>
			Keys to Building/Office/Gate
			Uniforms (i.e., shirt, slacks, hat, etc.)
			Furniture (i.e., desk, chair, table, etc)

Director/Supervisor Signature

FMO-1006-201703



## FMO-1012 Supervisor's Incident Report

West Virginia Department of Agriculture Supervisor's Incident Report			
<b>Employee Information</b>			
Name (Last, First, MI): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Social Security Number: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Date of Birth: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Home Phone Number: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Address (Street, City, State & Zip): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status: <input type="checkbox"/> Single/Divorced <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Unknown	Employment Status: <input type="checkbox"/> Full-Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Temporary
Job Title/Description: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	When did the employee start working for the Department: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Job assignment when injured: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Length of experience at this assignment: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
<b>Incident Information</b>			
Date of injury: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Time of injury: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <input type="checkbox"/> AM <input type="checkbox"/> PM	Time employee began work on date of injury: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <input type="checkbox"/> AM <input type="checkbox"/> PM	When was the supervisor notified: Date: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Time: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <input type="checkbox"/> AM <input type="checkbox"/> PM
Employee's usual work schedule: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Hours Per Day: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Days Per Week: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Schedule on the day of the injury: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
Employee stopped work for injury: Date: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Time: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> Did not stop working	Employee returned to work: Date: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Time: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> Has not returned to work	Address where injury occurred: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Is this Department property: <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No	Did injury occur because of: <input type="checkbox"/> Intoxication/substance abuse <input type="checkbox"/> Failure to use safety devices <input type="checkbox"/> Failure to obey rules <input type="checkbox"/> Not Applicable
Injury Description (State exactly the nature, body part and type of injury): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>			
What happened to cause the injury? Describe the sequence of events and include any objects that directly injured the employee (include name(s) of other individuals involved, tools, machinery, unnatural motions of employee, etc.): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>			
Is there any reason to question the validity of this injury, or is anyone aware of or suspects a previous injury to this body part: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain (attach additional comments as needed): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>			
Were there any witnesses: <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No	Witness 1: <input type="checkbox"/> Not Applicable Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Phone: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Witness 2: <input type="checkbox"/> Not Applicable Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Phone: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Witness 3: <input type="checkbox"/> Not Applicable Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div> Phone: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
<b>Treatment Information</b>			
Initial Treatment: <input type="checkbox"/> No medical treatment <input type="checkbox"/> Minor by employer <input type="checkbox"/> Minor by clinic/hospital <input type="checkbox"/> Emergency care <input type="checkbox"/> Hospitalized > 24 hours <input type="checkbox"/> Unknown		Health Care Provider (Name & Address): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	Hospital (Name & Address): <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
<b>Supervisor Certification</b>			
I certify that the information contained in this report accurately and completely represents my understanding of this incident based on the available information at the time of this report.			
Name (Last, First, MI): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Signature: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Date: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	
<b>Director Verification</b>			
Name (Last, First, MI): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Signature: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	Date: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>	

FMO-1012-200309

**FMO-1013      TRAINING/CERTIFICATION/LICENSE AGREEMENT**

I, \_\_\_\_\_, hereby pledge that in return for the payment of my Training/Certification/License provided by the West Virginia Department of Agriculture that:

I will not use this for the representation of clients other than the Department of Agriculture for financial remuneration; and

If I leave the Department of Agriculture prior to the end of the time period covered, \_\_\_\_\_ year(s) from the expenditure of funds, I will reimburse the Department of Agriculture for the pro-rated share of the \_\_\_\_\_ paid for my Training/Certification/License in accordance with Training Policy.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Employee

Date: \_\_\_\_\_

\_\_\_\_\_  
 Division Director

Date: \_\_\_\_\_

\_\_\_\_\_  
Executive

Date: \_\_\_\_\_

Title of Training: \_\_\_\_\_  
\*Attach training agenda/itinerary to this form.

Training Sponsor: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_

Funding Source: \_\_\_\_\_

FMO-1013-201704

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**FMO-1018      FUNCTIONAL CAPACITY ASSESSMENT**



**RELEASE OF INFORMATION**

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_,  
physician/ (Please PRINT) (Please PRINT)  
practitioner, to furnish written information to \_\_\_\_\_,  
my employer, regarding my residual functional capacity, any limitations or restrictions on my  
ability to perform the functions of my position and any devices, equipment, or  
accommodations I require to enable me to perform these functions.

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

**FUNCTIONAL CAPACITY ASSESSMENT**

Physician/Practitioner - Please confine your completion of this form to only those elements  
that are pertinent to the employee's ability to perform the essential functions of his/her job.  
Explain any limitations in Section G.

**Genetic Information Nondiscrimination Act of 2008 Notice**

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

**A. POSTURAL LIMITATIONS:**

	Continuously (4-6 hrs./day)	Frequently (2-6 hrs./day)	Infrequently (0-2 hrs./day)	Never
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Standing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bending	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Climbing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reaching	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Squatting/Stooping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Crawling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneeling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## B. PHYSICAL EXERTION LIMITATIONS:

	Up to 10 lbs.	10 lbs. to 25 lbs.	25 lbs. to 50 lbs.	Over 50 lbs.
Lifting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carrying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pushing/Pulling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## C. MANIPULATIVE LIMITATIONS:

	Unlimited	Limited
Handling (gross)	<input type="checkbox"/>	<input type="checkbox"/>
Fingering (fine)	<input type="checkbox"/>	<input type="checkbox"/>
Feeling (skin receptors)	<input type="checkbox"/>	<input type="checkbox"/>

## D. MENTAL LIMITATIONS:

	Unlimited	Limited
Understanding	<input type="checkbox"/>	<input type="checkbox"/>
Remembering	<input type="checkbox"/>	<input type="checkbox"/>
Sustained concentration	<input type="checkbox"/>	<input type="checkbox"/>
Following through on instructions	<input type="checkbox"/>	<input type="checkbox"/>
Decision making	<input type="checkbox"/>	<input type="checkbox"/>
Responding appropriately to workplace pressures	<input type="checkbox"/>	<input type="checkbox"/>
Receiving supervision	<input type="checkbox"/>	<input type="checkbox"/>
Relating to co-workers	<input type="checkbox"/>	<input type="checkbox"/>

## E. VISUAL/COMMUNICATIVE LIMITATIONS:

	Unlimited	Limited
Acuity (near/far); Depth; Color; Field	<input type="checkbox"/>	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	<input type="checkbox"/>
Speaking	<input type="checkbox"/>	<input type="checkbox"/>

**F. NON-PHYSICAL EXERTION LIMITATIONS:**

Pain (frequency; degree; objective signs)

Environmental restrictions (exposure to dust, fumes, smoke, heights, heat/cold, noise; other)

Rest periods (frequency/duration)

Side effects of medication

**G. REMARKS:**

(Please use this space to explain or clarify any of the preceding information.) Describe any specific limitations or restrictions for any of the above categories and list any assistive devices, equipment, or accommodation the employee requires to perform his or her job:

\_\_\_\_\_  
Physician's/Practitioner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Practice

\_\_\_\_\_  
Type of Practice

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

**Please return this form to:**

Contact: Director, Administrative Services Division

Organization: West Virginia Department of Agriculture

Address: 1900 Kanawha Blvd, East

City: Charleston State: WV Zip: 25305

E-mail: [HR@wvda.us](mailto:HR@wvda.us)

Phone: 304-558-2221 Fax: 304-558-2223

FMO-1018-201501

**FMO-1037 PROHIBITED WORKPLACE HARASSMENT POLICY ACKNOWLEDGMENT FORM**

I certify that I have received a copy of the West Virginia Department of Agriculture 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

\_\_\_\_\_  
Date

**TO BE COMPLETED BY ADMINISTRATIVE SERVICES REPRESENTATIVE:**

I certify that I have discussed with and provided the above-named employee a copy of the West Virginia Department of Agriculture Prohibited Workplace Harassment policy.

\_\_\_\_\_  
ASD Representative's Name - Print

\_\_\_\_\_  
ASD Representative's Signature

\_\_\_\_\_  
Date

Distribution:

Original – Personnel File

Copy – Employee

FMO-1037-201711



**FMO-1038 SUPERVISORY SUMMER TEMP/INTERN EVALUATION**

<b>Name:</b> Click here to enter text.	<b>Division:</b> Click here to enter text.	<b>Date:</b> Click here to enter text.
--	--	--

**Evaluator:** Click here to enter text.

**Briefly explain the tasks performed by the temp/intern during the assignment:**

Click here to enter text.

	YES	NO
1. Did the temp/intern consistently report to work on time?	<input type="checkbox"/>	<input type="checkbox"/>
2. Was there any issue with call-in absences?	<input type="checkbox"/>	<input type="checkbox"/>
3. Did the temp/intern talk excessively on the phone for non-business related things? (cell or work phone)	<input type="checkbox"/>	<input type="checkbox"/>
4. Did the temp/intern excessively text or surf on their cell phone?	<input type="checkbox"/>	<input type="checkbox"/>
5. Did the temp/intern take excessive breaks?	<input type="checkbox"/>	<input type="checkbox"/>
6. Did the temp/intern make productive use of their time?	<input type="checkbox"/>	<input type="checkbox"/>
7. Did the temp/intern take initiative to find work activities during slow times?	<input type="checkbox"/>	<input type="checkbox"/>
8. Did the temp/intern conduct themselves in a professional manner?	<input type="checkbox"/>	<input type="checkbox"/>
9. Did the temp/intern dress appropriately for the job?	<input type="checkbox"/>	<input type="checkbox"/>
10. Did the temp/intern demonstrate a team spirit?	<input type="checkbox"/>	<input type="checkbox"/>
11. Was the temp/intern good at following directions?	<input type="checkbox"/>	<input type="checkbox"/>
12. Were assignments completed accurately and on time?	<input type="checkbox"/>	<input type="checkbox"/>
13. Did the temp/intern pay close attention to detail?	<input type="checkbox"/>	<input type="checkbox"/>
14. Would you recommend this temp/intern for re-employment with WVDA?	<input type="checkbox"/>	<input type="checkbox"/>

**Additional Comment:**

Click here to enter text.

**Return completed form to the  
Administrative Services Division**

FMO-1039 SUMMER TEMP/INTERN EXPERIENCE EVALUATION

<b>Name:</b> Click here to enter text.	<b>Division:</b> Click here to enter text.	<b>Date:</b> Click here to enter text.
--	--	--

	YES	NO
1. Did you feel comfortable in the assigned position?	<input type="checkbox"/>	<input type="checkbox"/>
2. Were job expectations discussed with you?	<input type="checkbox"/>	<input type="checkbox"/>
3. Did you feel that you were adequately trained to perform the job?	<input type="checkbox"/>	<input type="checkbox"/>
4. Were assignments given to you in a clear and concise manner?	<input type="checkbox"/>	<input type="checkbox"/>
5. Did you have adequate resources to do the jobs being asked of you?	<input type="checkbox"/>	<input type="checkbox"/>
6. Did your supervisor provide performance feedback to you periodically?	<input type="checkbox"/>	<input type="checkbox"/>
7. Did you feel that you performed value added work?	<input type="checkbox"/>	<input type="checkbox"/>
8. WOULD YOU BE INTERESTED IN RETURNING IF TEMP ASSIGNMENT/INTERNSHIP IS AVAILABLE?	<input type="checkbox"/>	<input type="checkbox"/>

**What did you like most about your experience?**

Click here to enter text.

**What could be improved to make the experience better?**

Click here to enter text.

*On behalf of Commissioner Leonhardt and the staff of WVDA, thank you for your services and we wish you continued success in your future.*

**Return completed form to the  
Administrative Services Division**

**FMO-1040      PERSONAL PROPERTY AND EXPECTATION OF PRIVACY ACKNOWLEDGEMENT**

I acknowledge that I have received a copy of West Virginia Department of Agriculture's (WVDA) policy on personal property and expectations of privacy. I have also been given the opportunity to read and ask questions about the policy. I understand that by signing this acknowledgement, I agree to accept the policy as a condition of my employment or continuing employment with WVDA.

Print Employee Name \_\_\_\_\_ Date \_\_\_\_\_

Employee Signature \_\_\_\_\_

Distribution:

Original – Personnel File

Copy – Employee

FMO-1040-201711

FMO-1041 COMPENSATORY TIME REQUEST AND AUTHORIZATION



WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Compensatory (Comp) Time Request and Authorization

A work week begins at 12:01 a.m. Saturday and ends at 12:00 midnight the following Friday. Comp time is earned when a non-exempt employee works more than 40 hours in a work week. All hours worked that will incur comp time must be approved by the Supervisor in advance of the time worked. Division Directors may delegate Supervisors the discretion to approve up to 20 hours of overtime.

**Instructions:** Up to 20 hours, Employee submits request to work overtime to time-approving Supervisor;  
Over 20 hours and under 40 hours, if approved, Supervisor routes to Director level for final approval.  
Over 40 hours, if approved, Supervisor routes to Director, if approved, Director routes to either Deputy Commissioner or Chief of Staff, as appropriate, for final approval.  
**Retain form in Personnel File (submit to Payroll Office).**

EMPLOYEE INFORMATION	
Employee Name:	
Title:	
Division/Location(s):	
Current Comp Time Balance:	
COMPENSATORY TIME REQUEST DETAILS	
Estimated hours needed:	
Start Date:	
End Date:	
Description of work to be performed: (Include where work will be performed.)	
Explain why work cannot be completed during regular work hours:	
AUTHORIZATION	

Employee Signature	Print Name	Date
Time-Approving Supervisor Signature	Print Name	Date
Authorized by:		
Director Signature	Print Name	Date
Executive Signature (above 40 hours)	Print Name	Date

FMO-1041-201711

FMO-1042 EMPLOYEE DRUG AWARENESS CERTIFICATION FORM

**WEST VIRGINIA DEPARTMENT OF AGRICULTURE  
DRUG-FREE WORKPLACE VERIFICATION STATEMENT**

NAME \_\_\_\_\_ SOCIAL SECURITY NO. \_\_\_\_\_

TITLE \_\_\_\_\_ TELEPHONE \_\_\_\_\_

DATE EMPLOYED BY WVDA \_\_\_\_\_

As an employee of the West Virginia Department of Agriculture, I agree to abide by the Drug-Free Workplace Policy which states that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or alcohol is prohibited in the workplace. The workplace shall be defined as a site (in a building or exterior site) or vehicle (personal and state owned) used for conducting the business of the West Virginia Department of Agriculture. As an employee, I shall not report for work on any West Virginia Department of Agriculture project whether on-site or in the field while under the influence of a controlled substance and/or alcohol.

If I am convicted for a violation of any criminal drug statute, I must report the conviction to my supervisor and the Executive Division no later than five (5) days after such conviction.

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
DATE

**As of the date indicated, I have read and understand the above statement.**

FMO-1042-201711

FMO-1043 CANDIDATE EVALUATION FORM

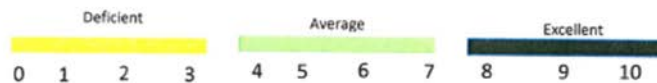
(SAMPLE)

Regulatory & Environmental Affairs  
Applicant Evaluation  
Laboratory Assistant

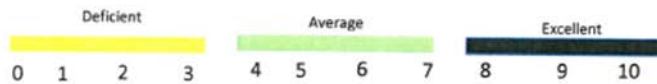
Candidate: \_\_\_\_\_ Date: \_\_\_\_\_ Evaluator: \_\_\_\_\_

In your evaluation of the candidate:

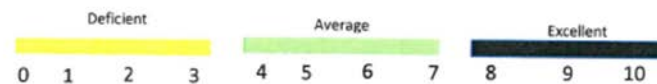
1. **Knowledge:** Does the candidate have basic knowledge of principles, practices and procedures of biology and chemistry?



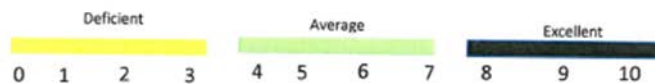
2. **Skill:** Does the candidate possess the skills to assist in laboratory procedures and complete the proper documentation?



3. **Ability:** Does the candidate possess the ability to learn methods and procedures of a variety of routine laboratory tasks?



4. **Knowledge:** Does the candidate have basic knowledge of administrative and clerical procedures? Does s/he have knowledge of systems such as excel, word processing, and LIMS for managing files and records?



5. **Knowledge:** Does the candidate have knowledge in the use of basic instruments and equipment commonly used in laboratories?



FMO-1043-1712

TOTAL SCORE \_\_\_\_\_

FMO-1044 POSITION MANAGEMENT FORM

**POSITION MANAGEMENT FORM**  
**WEST VIRGINIA DEPARTMENT OF AGRICULTURE**  
*Must be completed and signed in the order displayed*  
*Return to Administrative Services Director upon completion*

---

**SECTION I: TO BE COMPLETED BY DIVISION**

☐ New Position      ☐ Fill Existing Position      ☐ Modify Existing Position      Date Position Needed: \_\_\_\_\_  
☐ Full-Time (40 hours/week with Benefits)      ☐ Part-Time (20 hours/week with Benefits)      ☐ Temporary (up to 1,000 hours/year. No Benefits)

Position Number: \_\_\_\_\_ Job Title: \_\_\_\_\_

Division: \_\_\_\_\_

Headquarters/Coverage Area: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Minimum Requirements: ☐ HS Diploma/GED      ☐ Associate's Degree      ☐ Bachelor's Degree      ☐ Master's Degree

Additional Duties, Qualifications, or Comments: \_\_\_\_\_

If this is a New Position, why is it necessary (attach documentation, including FMO-1006 New Hire Checklist, as appropriate): \_\_\_\_\_

List alternative methods available to meet your needs: \_\_\_\_\_

Advertise on: ☐ Internal Only      ☐ Application System/WVDA Website  
☐ Newspaper (which one?) \_\_\_\_\_ ☐ Other: \_\_\_\_\_

Signature of Division Director: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Approved, Recommended Salary/Hourly Rate: \_\_\_\_\_ ☐ Denied, reason: \_\_\_\_\_

---

**SECTION II: STAFFING VERIFICATION TO BE COMPLETED BY HUMAN RESOURCES**

☐ Exempt      ☐ Non-Exempt      Additional Comments: \_\_\_\_\_

Signature of Human Resources Specialist: \_\_\_\_\_ Date: \_\_\_\_\_

---

**SECTION III: FUNDS VERIFICATION TO BE COMPLETED BY ADMINISTRATIVE SERVICES DIVISION DIRECTOR**

Funding Source: \_\_\_\_\_ Position Number: \_\_\_\_\_

Advertised Salary or Hourly Range: \_\_\_\_\_ Home Unit: \_\_\_\_\_

Signature of CPO, Director of Admin. Services Division: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Approved      ☐ Denied, reason: \_\_\_\_\_

---

**SECTION IV: AUTHORIZATION TO BE COMPLETED BY EXECUTIVE DIVISION**

Signature of Executive Designee: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Approved      ☐ Denied, reason: \_\_\_\_\_

FMO-1044-201-812

FMO-1045 TIMECARD ADJUSTMENT REQUEST FORM



TIMECARD ADJUSTMENT REQUEST FORM

*This form must be used to request a correction to a timecard or a timeclock entry. It must be submitted for all levels of approvals up through your division chain of command, beginning with your Supervisor and ending with your Division Director. If approved, the Division Director will then submit the form to the Administrative Services Division Director via e-mail to be processed and maintained as documentation in your personnel file, as well as the affected payroll files. Adjustments will be processed in the first pay period following receipt of the final authorization of the adjustment(s) from the employee's Division Director.*

Employee Name: \_\_\_\_\_

Division: \_\_\_\_\_

Report is for Payroll Period Beginning: \_\_\_\_\_ and Ending: \_\_\_\_\_  
(date) (date)

Indicate the correct in & out punches, or type of leave and amount, for each day in the pay period which were incorrectly entered.

Month: \_\_\_\_\_ Year: \_\_\_\_\_

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

Justification (attach additional pages and/or documentation, if applicable):

I hereby certify that all hours set forth on this form are correct. I understand that knowingly providing a statement that contains any false, incomplete, or misleading information may result in corrective action, up to and including termination of employment.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Confirmed and Approved:

Final Approval:

Supervisor Signature \_\_\_\_\_ Date: \_\_\_\_\_

Division Director Signature \_\_\_\_\_ Date: \_\_\_\_\_

Approved:

Payroll Authorization:

Next Level Signature (if needed) \_\_\_\_\_ Date: \_\_\_\_\_

Director Administrative Services \_\_\_\_\_ Date: \_\_\_\_\_

Next Level Signature (if needed) \_\_\_\_\_ Date: \_\_\_\_\_

Additional signatures may be added as necessary. See right side border for additional signature lines.

RECEIVED PAYROLL:  
  
Apply Date Stamp Here

Next Level Signature (if needed) \_\_\_\_\_ Date: \_\_\_\_\_

Next Level Signature (if needed) \_\_\_\_\_ Date: \_\_\_\_\_



**FMO-1046 COMPENSATORY TIME AND ANNUAL LEAVE EMPLOYEE ACKNOWLEDGEMENT**

On December 22, 2017, the Department of Agriculture issued a policy with an effective date of January 6, 2018 that addresses the use of Compensatory Time and Annual Leave and will remain in effect until rescinded in writing. The policy mandates that if an employee has a Comp Time balance, it must be depleted before using any Annual Leave. After the timekeeping system is closed following the end of the calendar year, Comp Time balance and Annual Leave usage reports are run to ensure policy compliance.

If an employee has used Annual Leave during the year when they have Comp Time available, the Annual Leave hours will be added back and those hours will be subtracted from the Comp Time balance in accordance with Department Policy. For those employees who have a substantial Annual Leave balance, please be aware that State Regulations dictate that the maximum amount of Annual Leave that may be carried over at the end of the calendar year is 320 hours.

The Department encourages employees to be pro-active in working with their Supervisor as early in the calendar year as possible to plan for the use of their Comp Time and Annual Leave to avoid a loss of Annual Leave. All employees are required to sign the acknowledgement of this policy and return it as instructed.

Employee A: Uses 80 hours of Annual Leave during the period of January 6, 2018 through December 31, 2018. This leave was not in compliance with Department policy, as *WVDA policy issued December 22, 2017 with an effective date of January 6, 2018 states that Comp Time must be used before using Annual Leave.*

Employee Used 80 hours of Annual Leave from 1/6/2018 - 12/31/2018	
COMP TIME	ANNUAL LEAVE
Balance as of 12/31/2018	
100 hours balance CT	400 hours balance AL
Amount of Leave Not in Compliance with Policy	
- 80 hours	+ 80 hours
Balance after Policy Compliance Adjustment	
20 hours	480 hours
Adjustment to Maximum AL Carryover of 320 Hours	
	- 160 hours
Balance of Annual Leave as of 1/1/2019	
	320 hours

Employee B: Uses 80 hours of Annual Leave during the period of January 6, 2018 through December 31, 2018. This leave was not in compliance with Department policy, as *WVDA policy issued December 22, 2017 with an effective date of January 6, 2018 states that Comp Time must be used before using Annual Leave.*

Employee Used 80 hours of Annual Leave from 1/6/2018 - 12/31/2018	
<u>COMP TIME</u>	<u>ANNUAL LEAVE</u>
Balance as of 12/31/2018	
200 hours balance CT	100 hours balance AL
Amount of Leave Not in Compliance with Policy	
- 80 hours	+ 80 hours
Balance after Policy Compliance Adjustment	
120 hours	180 hours
Adjustment to Maximum AL Carryover of 320 Hours	
	- 0 hours
Balance of Annual Leave as of 1/1/2019	
	180 hours

Employee Signature

Date

FMO-1047 STATEMENT OF CONFIDENTIALITY



State of West Virginia  
DEPARTMENT OF AGRICULTURE

**WVDA STATEMENT OF CONFIDENTIALITY**

West Virginia Department of Agriculture has a legal and ethical responsibility to protect the integrity and security of work related information gathered as well as the privacy and security of employee information. WVDA employees must follow all applicable laws, regulations, rules, guidelines, policies and procedures.

I understand that I have a personal, professional, ethical, and legal obligation to uphold the principles described in this agreement. I will abide by the statements below.

- I will protect the confidentiality, security, and privacy of WVDA information that I see, hear, or have access to; including all forms of electronic or telephonic information. To do this, I will follow all laws, regulations, and accreditation standards.
- During my work, I may need to access or use confidential information. I will not access, review, discuss, copy, disclose or use this information outside of my regular job duties.
- I will protect information from accidental or unauthorized use or disclosure. This includes review, copying, modification, destruction, distribution, removal, or disclosure. I will take steps to protect the confidentiality and security of information. If I see a confidentiality or security problem area, I will inform a WVDA supervisor or manager.
- I agree that the information I have access to during the course of my employment, work or association with WVDA belongs to WVDA. If requested, I will promptly return WVDA information.
- I will not tell any unauthorized person my passwords (computer logon identification (ID), access codes, etc.). I will not obtain, possess, or use any other person's computer logon ID or other access code and password. If someone gives me another person's password, I will notify my supervisor immediately.
- I will take reasonable precautions to prevent introducing or spreading computer viruses and not circumvent any WVDA data protection measure.
- I am responsible for any computer assigned to me, yet it is the property of WVDA. An authorized representative may access my assigned computer at any time. The representative may also access any installed software or data. I understand that if I have WVDA files on a computer that I own, WVDA has a right to those files. An authorized representative may access that information at any time.
- I will follow all communications regarding policies and procedures. This includes current and future policies and procedures. I will follow these policies and procedures as long as I am employed by or associated with WVDA. I will be permanently bound by the law and regulations even after my employment with WVDA ends.

I understand that I must not violate federal and state confidentiality requirements, this confidentiality agreement, WVDA policies and procedures and other standards that may be implemented during the course of my employment, work, or association with WVDA. These requirements do not cease at the time I discontinue working at WVDA. If I violate the agreements in this document, I may face corrective action including termination of employment, cancellation of the contract or termination of other relationship, or other consequences permitted under the law.

By signing below, I confirm that I have read, understand and agree to comply with the above statement and the West Virginia Department of Agriculture Policies and Procedures Manual.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

FMO-1047-201712

# West Virginia Department of Agriculture

## FMO-1048 TIMECLOCK CORRECTION

### West Virginia Department of Agriculture TIMECLOCK CORRECTION FORM



Use this form to make adjustments when clocking in or out was missed or done incorrectly. Employee completes and signs the form and submits to supervisor. Supervisor signs and provides a copy for the employee. Supervisor gives completed form to the employee's timekeeper to make the adjustments in KRONOS for correction to the employee's time record. Supervisor forwards to Payroll for placement in employee's personnel file.

Employee Name	Division
Pay Period Begin Date	Pay Period End Date

Date of Missed Transaction	Type of Correction Add/Delete/Change	Clock Code Added/Deleted/Changed	Reason For Manual Timecard Entry
mm/dd/yyyy	<input type="checkbox"/> Add <input type="checkbox"/> Delete <input type="checkbox"/> Change <input type="checkbox"/> Cancel	<input type="checkbox"/> In <input type="checkbox"/> Out <input type="checkbox"/> Leave Premises <input type="checkbox"/> Return to Premises	<input type="checkbox"/> Forgot to Clock In at _____ <input type="checkbox"/> Forgot to Clock Out at _____ <input type="checkbox"/> System Unavailable Clock In at _____ Clock Out at _____

Provide a detailed explanation for the requested correction in the space below:

_____ Employee Signature	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	_____ Supervisor Signature
_____ Date		_____ Date

By signing this form, you are acknowledging that the information you provided is accurate. Falsifying time is considered fraud and will be subject to disciplinary action up to and including termination of employment.

Correction Made to Timecard: \_\_\_\_\_ on \_\_\_\_\_  
Signature of Staff Making Correction
Date

FMO-1048-201712

FMO-1050 BIWEEKLY TIME SHEET FOR PROXY ENTRY

WV Department of Agriculture

BIWEEKLY TIME SHEET FOR PROXY ENTRY

Employee ID :  Name :

Title :  Division/Program :

Start Date :  End Date :

Date	Day	Time				Hours			
		In	Out	In	Out	Normal	Weekly Hours Over 40	Type of Leave Taken <sup>a</sup>	Amount of Leave Taken
	Saturday								
	Sunday								
	Monday								
	Tuesday								
	Wednesday								
	Thursday								
	Friday								
	Saturday								
	Sunday								
	Monday								
	Tuesday								
	Wednesday								
	Thursday								
	Friday								
Totals									
Grand Total (Work + Leave)									

Notes/  
Justification :

Signature of Employee : \_\_\_\_\_ Date:

Signature of Supervisor : \_\_\_\_\_ Date:

Signature of Timekeeper: \_\_\_\_\_ Date:

<b>*Leave Abbreviations:</b>	
A-Annual	J-Jury/Court Duty (A copy of subpoena or other documentation required)
B-Bereavement	L-Leave Without Pay (Must be approved in writing by the Commissioner before taken)
C-Compensatory	M-Military (A copy of military orders must be provided)
D-Donated Leave	S-Sick
F-Family Medical Leave	W-Worker's Comp
H-Holiday	

FMO-1050-201505

**FMO-1051      SECTION 1619 PROTECTED INFORMATION EMPLOYEE CERTIFICATION**

**Background**

Section 1619 of the Food, Conservation, and Energy Act of 2008 (**Exhibit 1**) (“Section 1619”) provides that the United States Department of Agriculture (“USDA”), or any “contractor or cooperator” of USDA, “shall not disclose – (A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in the programs of the Department; or (B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.” The West Virginia Department of Agriculture (“WVDA”) is a “contractor or cooperator” of USDA. Accordingly, WVDA may not disclose any information protected by Section 1619 (“Section 1619 Protected Information”). WVDA has certified that it will comply with the statutory obligations under Section 1619.

**Employee Certification**

As an owner, manager, supervisor, employee, contractor, agent, or representative of WVDA, I acknowledge, understand, and agree:

- I have read and will comply with the provisions in Section 1619 (attached as **Exhibit 1**). I will consult with USDA-Natural Resources Conservation Service (“USDA-NRCS” or “NRCS”), through the appropriate chain of command, before providing Section 1619 Protected Information to an entity or individual outside of WVDA and as necessary to implement the program to ensure that such release is permissible.
- I will use the Section 1619 Protected Information only to perform work that is directly connected to providing conservation related services.
- I will internally restrict access to the Section 1619 Protected Information to only those individuals who have a demonstrated need to know the Section 1619 Protected Information in order to provide conservation related services.
- The provisions in Section 1619 are continuing obligations. Even if and when WVDA is no longer an NRCS Conservation Cooperator, or if and when I am no longer affiliated with WVDA, I continue to be legally bound by this Certification.
- When I am unsure whether particular information is covered or protected by Section 1619, I will consult NRCS, through the appropriate chain of command, to determine whether the information must be withheld.
- Use of the Section 1619 Protected Information **for any purpose** is expressly prohibited if and when WVDA is no longer an NRCS Conservation Cooperator or if and when I am no longer affiliated with WVDA.
- The State’s “sunshine law,” “open records act” or other version of Freedom of Information Act is superseded by Section 1619 under the Supremacy Clause of the U.S. Constitution. Accordingly, information protected from disclosure by Section 1619 must not be released under such State laws.

- I will direct all requests for Section 1619 Protected Information to WVDA's Freedom of Information Act coordinator ("the FOIA Coordinator"), or to my supervisor so that the request can be forwarded to the FOIA Coordinator for review and compliance.
- Violations of the terms of this Certification may result in disciplinary action up to and including termination.

By signing below, I confirm that I have read, acknowledge, understand and agree to the above Certification.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

FMO-1051-201712

Exhibit 1 – next page

**Exhibit 1**

**7 USC 8791.**

**SEC. 1619. INFORMATION GATHERING.**

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) DEFINITION OF AGRICULTURAL OPERATION.—In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) AUTHORIZED DISCLOSURES.—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.



**FMO-1053 APPLICATION FOR ORGAN DONATION TESTING LEAVE WITH PAY**



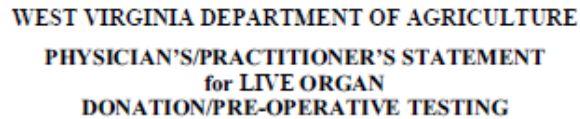
**WEST VIRGINIA DEPARTMENT OF AGRICULTURE  
APPLICATION  
for LIVE ORGAN DONATION/TESTING LEAVE  
WITH PAY**

<b>NAME:</b>	
<b>WORK UNIT/SECTION:</b>	<b>DIVISION:</b>
<b>I AM MAKING APPLICATION FOR THE FOLLOWING LEAVE:</b> _____ Hours for: <div style="display: inline-block; vertical-align: top; margin-left: 20px;"> <input type="checkbox"/> Adult Kidney Donation  <input type="checkbox"/> Adult Liver Portion Donation  <input type="checkbox"/> Adult Bone Marrow Donation         </div> _____ Hours for pre-operative testing to determine surgical fitness and compatibility.	
<b>PERIOD OF LEAVE:</b> FROM    Date: _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. TO        Date: _____ <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
<b>EMPLOYEE SIGNATURE:</b>	<b>APPLICATION DATE:</b>
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>DIVISION DIRECTOR SIGNATURE and DATE:</b> _____
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<b>AGENCY-AUTHORIZED SIGNATURE and DATE:</b> _____
<b>REMARKS (if necessary):</b>   	

**NOTE:** This form is to be used only when an employee is requesting paid leave for the purpose of making an organ donation as set forth in W. VA. CODE §29-6-28. This request must be accompanied by the Physician's/Practitioner's Statement for Organ Donation (WVDA-L12).

Employees must use the Physician's/Practitioner's Statement (WVDA-L3) when requesting regular sick leave. When requesting a medical leave of absence without pay under the West Virginia Department of Agriculture Policy, and/or leave with or without pay under the federal Family and Medical Leave or State Parental Leave Acts, employees must use Certification forms WVDA-L5 through WVDA-L8, as applicable.

## PHYSICIAN'S STATEMENT FOR ORGAN DONATION AND TESTING



FORM WVDA-L12 Page 1 of 1 03/23/18 FMO-1054-201803

**TMO-3 REQUEST FOR HOSPITALITY SERVICE**

TMO 3 Form – Rev. 06/2011

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

FUNCTION SPONSOR \_\_\_\_\_

LOCATION OF FUNCTION \_\_\_\_\_

DATE(S) OF FUNCTION \_\_\_\_\_

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ _____
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD / DESIGNEE SIGNATURE

\_\_\_\_\_  
DATE