

EMPLOYEE HANDBOOK

***SCHOOL BUILDING AUTHORITY
OF WEST VIRGINIA***

EFFECTIVE - MARCH 2016

FORWARD

This employee handbook has been prepared to provide staff members' general information concerning employee rights, responsibilities and benefits. It is also designed to help employees understand how the School Building Authority WV (SBA) conducts business.

As an employee of the Agency, each individual brings unique skills and capabilities as well as a strong commitment to the delivery of a high quality school construction program for the students and citizens of West Virginia.

Employees of SBA are state employees whose professional and personal demeanor reflects upon our great state and the public's trust. The Agency expects all staff to demonstrate the highest standards of dedication and ethical conduct in the performance of your duties.

David A. Sneed
Executive Director

EMPLOYEE HANDBOOK

This Employee Handbook has been prepared to outline the School Building Authority of West Virginia of WV (SBA) personnel policies. Maintaining this handbook is an on-going process that requires frequent updating. Employees will be notified by email whenever revisions are made to the handbook by the Director of Administration for the SBA. Specifically, the purposes of the handbook is as follows:

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

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

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

This handbook is a continuous working document and subject to modification and further development as determined by the Executive Director of the SBA. Employees are encouraged to provide suggestions to their Department Head(s) concerning improvements in personnel guidelines/procedures.

References throughout this handbook to the “Agency” should be interpreted at all times as the School Building Authority of WV (SBA).

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SECTION I. GETTING ACQUAINTED

An Overview of the Board and Agency

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I. GETTING ACQUAINTED

An Overview of the School Building Authority of West Virginia

The West Virginia State Code §18-9D provides for the creation of the School Building Authority of WV (SBA) and establishes the parameters for the make-up of the Board. The SBA consists of eleven members, including the Governor or designee; the State Superintendent of Schools, ex officio; three members of the State Board of Education, elected by the State Board; and six citizens of the state, appointed by the Governor, by and with the advice and consent of the Senate, who are knowledgeable in matters relevant to the issues addressed by the authority, one of whom is representative of the interests of the construction trades. The Executive Director of the SBA, is the Chief Executive Officer of the SBA and is appointed by the Governor's Office.

Staff are employed by the SBA upon recommendation of the Executive Director and are consider state employees. Agency staff work under the direction of the Executive Director and lines of authority are established in the Agency's organizational chart. The organizational chart shows the Department's administrative structure and provides an overview of its responsibilities and functions.

Mission, Vision and Goals of the School Building Authority of West Virginia

It is the mission of the School Building Authority of WV (SBA) to facilitate and provide state funds for the construction and maintenance of school facilities to meet the needs of the people of West Virginia in an efficient and economical manner.

Goals:

1. To make funding determinations in accordance with the provisions of law in Article 18-9D of West Virginia Code.
2. To assess existing school facilities and each facility plan in relation to the needs of the individual student, the general school population, the communities served by the facilities and statewide facility needs.
3. To adopt guidelines that will assure the prudent and resourceful expenditure of state funds. These guidelines shall state the manner, time line, and process for submission of plans to the Authority, project specifications, and indicators relating how the specific project furthers the overall goals of the Authority.
4. To expeditiously implement the programs of the School Building Authority of WV (SBA) by making funds available to counties for the purpose stated in the mission of the Authority.

Employment Relationship

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

Orientation

All newly hired employees in the School building Authority of WV (SBA) will be given an informal orientation designed to ease their entry into the organization and provide them with basic information they need to succeed in their jobs. This orientation will include: insurance and payroll matters; salary; tax withholding; payroll deduction options; benefit plans; direct deposit, provide a tour of the organization and introduce the new employee to co-workers. The new employee's Department Head will review the Agency's and Policy's & Procedures relative to daily expectations and requirements of his/her office and provide on-going support and guidance for a minimum period of three months.

Equal Employment Opportunity

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

Accommodating Employees with Disabilities

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

Harassment

Employees shall conduct themselves in a professional and collegial manner. The School Building Authority of WV (SBA) strictly prohibits racial, sexual or religious/ethnic harassment of any kind or violence. The Agency will not tolerate any form of discrimination or harassment that creates an intimidating, hostile or offensive work environment nor any act done with intent to cause fear of bodily harm to themselves or others. Employees that believe they have been subjected to discrimination or harassment on the job have the right to file a complaint with the SBA, the West Virginia Human Rights Commission (WVHRC) online at <http://www.wvf.state.wv.us/wvhrc/>, and/or the Equal Employment Opportunity Commission (EEOC) on-line at <http://www.eeoc.gov/>. Contact the Director of Administration at the SBA for further information to file a complaint.

Communications

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

Employment Categories

The School Building Authority of WV (SBA) certify staff salary requirements for both professional and associate staff. In addition, W. Va. Code §12-3-13 does not allow money to be drawn from the Treasury to pay the salary of any officer or employee before services have been rendered. SBA staff members are paid through the West Virginia Department of Education (WVDE).

The WVDE categorizes employees as professional or associate staff members. The SBA Employee Handbook also categorizes staff under this same description. Job titles for professional and associate staff are subject to change at the discretion and approval of the Executive Director and the SBA Board. Any new job titles and salaries added to the salary schedules shall be approved in writing by the Executive Director and the SBA Board.

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

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

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Work Schedules

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Adjusted Work Schedule for Professional Staff

Salary Schedule

Pay Periods and Paydays

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Payroll Deductions

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State Experience

II. WORK AND SALARY SCHEDULES

Work Schedules

The Agency has established normal business hours as 8:00 a.m. to 4:30 p.m., Monday through Friday, with a thirty minute unpaid lunch break and two (15) minute paid break periods. Department Heads may set the times for lunch and may stagger these times to ensure that the office is appropriately staffed at all times.

The School Building Authority's (SBA) normal work week for a full-time employee is defined as 37.5 hours of work from Monday through Friday. Specific work hours and starting/ending times are established by the Executive Director. The schedule may be changed or adjusted in response to the Agency's needs.

Flexible Work Hours

The Agency has established a flexible work hours program in which an employee may be placed on an earlier or later starting time. Flexible work schedules are established to promote efficient operations and to consider reasonable requests from employees. An employee is placed upon a flexible work schedule based upon the Agency's need or upon approval following a request by an employee. Flexible schedules are developed by the Executive Director; approved by the Department Head and meet the following criteria: (a) 7.5 hour work day (i.e. 8:30 a.m. to 4:30 p.m. / 8:00 a.m. to 4:00 p.m. / 7:30 a.m. to 3:30 p.m. or 7:00 a.m. to 3:00 p.m.) (b) un-paid 30 to 60 minute lunch period; (c) begin no earlier than 6:00 a.m. and no later than 9:00 a.m. and end no earlier than 3:00 p.m. In addition, offices must have phone coverage between the hours of 8:00 a.m. and 4:30 p.m. It is the policy of the SBA to ensure that employees work within their assigned/designated office location(s).

Overtime/Compensatory Time/Adjusted Work Schedule for Associate Staff

All School Building Authority of WV (SBA) employees are considered salaried "Exempt" employees and therefore do not qualify for overtime compensation.

Adjusted Work Schedule for Professional and Associate Staff

Professional and Associate staff members are "exempt" from the provisions of the Fair Labor Standards Act (FLSA). Both Professional and Associate staff are exempt from overtime pay requirements and in response to the normal requirements of their job position and peak business needs are expected to work the hours and schedules necessary to fulfill job requirements. Staff may receive an adjusted work schedule only under extenuating circumstances however, employees may not accrue adjusted work schedules for attending professional development/conferences/workshops. The adjusted work schedule **must be approved in advance and be authorized by the Executive Director.**

Salary Schedule

Professional and Associate staff are paid on the Salary Schedule which has been established based on the comparable job classifications in both the public and private sector. Any changes to the current Salary Schedule must be presented to the School Building Authority of WV (SBA) for review and final approval.

Pay Periods and Paydays

Employees are paid twice a month based on the payroll schedule provided by the West Virginia State Auditor's Office (WVSAO). Sometimes delays in receiving paychecks from the State Auditor's office or delays resulting from the postal service will cause employees to receive their paychecks later than the scheduled payday. These circumstances are infrequent and are beyond the control of the Agency. Employees are encouraged to utilize the Direct Deposit system to minimize delays. If a scheduled payday falls on a Saturday or Sunday, paychecks are issued on the Friday preceding the scheduled payday.

Delayed Payroll

All School Building Authority of WV (SBA) employee are paid in delayed payroll system and will be paid in arrears.

The delayed payroll status will commence after one pay period. The employee shall remain in delayed pay status until separation from employment.

Payroll Deductions

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

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

Annual Increment

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

State Experience

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

SECTION III. BENEFITS

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Leave of Absence - Personal

Medical/Basic Life Insurance

COBRA Benefits

Flexible Benefits

Retirement System

Workers' Compensation

Other Benefits

Staff Development

III. BENEFITS

Holiday Observations

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

1. New Years Day1st Day of January
2. Martin Luther King's Birthday3rd Monday of January
3. President's Day3rd Monday of February
4. Memorial DayLast Monday in May
5. West Virginia Day20th Day of June
6. Independence Day4th Day of July
7. Labor Day.....1st Monday of September
8. Columbus Day.....2nd Monday of October
9. Veterans Day11th Day of November
10. Thanksgiving.....4th Thursday & Friday of November
11. Christmas Eve1/2 Day December 24 (if Christmas falls on Tue. – Fri.)
12. Christmas Day25th Day of December
13. New Years Eve.....1/2 Day December 31 (if New Year's falls on Tue. – Fri.)
14. Primary Election DayWhen a Statewide primary election is held
15. General Election DayWhen a Statewide general election is held
16. Any other dates proclaimed by the President or Governor as official holidays

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

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

Early Release

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

Leave Donation Program West Virginia Code §29-6-27

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

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

Information about the Leave Donation Program and the program's guidelines can be found at online at:

<http://www.personnel.wv.gov/employees/Leave/leavedonation/Pages/default.aspx> .

Leave Expectations

It is the responsibility of the Department Head to monitor employee absences. As outlined in the Annual Personnel Evaluation Form under the section, Availability for Work/Work Habits, abuse of leave benefits will lead to more strict control thereof, including but not limited to, being required to produce a physician's statement for all absences. If an employee's attendance record suggests a problem, the Executive Director/Department Head shall hold a conference with the employee to identify and resolve the problem.

Agency employees are not required to take leave to interview for an internal job position, however, job interviews outside the Agency require employees to take leave.

Annual Leave (Vacation)

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

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

YEARS OF SERVICE	DAYS EARNED PER MONTH
0 through 4	1 ¼
5 through 9	1 ½
10 through 14	1 ¾
15 +	2

Annual leave is earned effective at 11:59 p.m. on the 15th (30 day month) or at noon on the 16th (31 day month) day of each month worked. An employee must work 10 paid days in a month (including paid sick/annual leave) to earn annual leave.

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

Requesting Annual Leave

Annual leave cannot be taken before it is earned. Employees are required to request annual leave in advance of when it is to be taken and must have prior approval of the Department Head before taking leave. Employees should give their Department Head notice of a request for annual leave equal to the amount of annual leave time requested. For example, if an employee requests five days of annual leave, the request should be made to the Department Head at least five workdays prior to the commencement of the leave period. If annual leave is not approved the Department Head must notify the employee immediately upon receiving the leave request. The minimum charge against annual leave is one-quarter (1/4) day and any additional leave is charged in multiples thereof. One-quarter (1/4) of a day is interpreted as two hours.

Payment of Annual Leave Balance on Separation from Employment

Employees who separate from employment for any reason are paid for their balance of annual leave subsequent to their separation and may choose one of the following options for payment of the annual leave balance.

- An employee may elect to be paid the balance of leave not to exceed 40 days in semi-monthly payroll installments until all the leave is exhausted.

- An employee may elect to be paid for the balance of leave in a lump sum not to exceed 40 days. The lump sum payment will be paid at the time that would have been the employee's next scheduled pay day, subsequent to the date of separation.

Transfer of Annual Leave

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

Leave for Illness and Personal Circumstances

Sick leave may be requested for the following:

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

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

The employee shall furnish a written statement from the attending physician/licensed medical care giver for all consecutive days of sick leave granted beyond three working days. If the employee's physician/licensed medical care giver has placed restrictions or limitations on the employee's work activities, the employee shall furnish the physician/licensed medical care giver written statement to the direct supervisor immediately upon return to work. All physician/licensed medical care giver written statements shall be forwarded to the Agency's Director of Administration. Any exception must be made by the Executive Director.

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

Earning Rate

Each regular full-time employee (37.5 hours per week) earns one and one-half (1.5) days sick leave for each month of service. Sick leave is earned at 11:59 p.m. on the 15th (30 day month) or at noon on the 16th (31 day month) of each month worked. The minimum charge against such leave is one-quarter (1/4) day and any additional leave is charged in multiples thereof. One-quarter of a day is interpreted as two hours. An employee must work 10 paid days in a month (including paid sick/annual leave) to earn sick leave.

Requesting Sick Leave

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

Separation from Employment

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

Illness While on Annual Leave

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

Transfer of Sick Leave

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

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

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

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

Military Leave

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

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

Medical Leave of Absence Without Pay

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

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

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

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

Leave of Absence - Personal

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

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

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

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

Medical/Basic Life Insurance

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

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

COBRA (Consolidated Omnibus Budget Reconciliation Act)

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

Additional information may be obtained from the Public Employees Insurance Agency (PEIA) online at <http://www.peia.wv.gov/Pages/default.aspx> or the Director of Administration of the School Building Authority of WV (SBA).

Flexible Benefits

The Mountaineer Flexible Benefits program allows money for dental, optical and disability insurance, as well as flexible medical spending account, to be deducted before it is taxed. Taxable income is reduced and saves money through lower federal, state and Social Security salary deductions.

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

For more information about the flexible benefits plan, call Fringe Benefits Management Company at 1-844-559-8248, or call PEIA at (304) 558-7850 or visit online at <http://www.myfbmc.com>.

Retirement System

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

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

NOTE: Employees hired 7/1/1991 through 6/30/2005 are enrolled in the Teachers Defined Contribution (TDC) Retirement System.

Employee/Employer Retirement Contributions

Title	Employee Contribution	Employer Contribution
Teacher Retirement System (TRS) Plan 1	6%	15%
Teacher Retirement System (TRS) Plan 3	6%	7.5%
Teacher Defined Contributions (TDC)	4.5%	7.5%

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

Workers' Compensation

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

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

Other Benefits

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

Staff Development

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

SECTION IV. EMPLOYMENT AND RELATED POLICIES

Employment Process

Job Descriptions/Job Postings

Employment of Family Members

Outside Employment

Personnel File

Performance Expectations and Employee Code of Conduct

Performance Evaluations

IV. EMPLOYMENT AND RELATED POLICIES

Employment Process

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

Applicants for Associate positions apply to the Director of Administration where the application is processed and appropriate testing and initial screening is conducted. All applications are sent to the interviewing Department Head. After interviewing selected candidates, the interviewing supervisor ranks the applicants on the basis of job qualifications and recommends a candidate to the Executive Director who shall make the selection, subject to the approval of the School Building Authority of WV (SBA) Board.

Applicants for Professional positions will submit an application/resumé as stipulated on the job posting. A screening committee reviews the applications against the criteria listed in the position announcement. Candidates who meet the criteria and are considered the top candidates are determined for an interview. The interview committee recommends candidates to the Executive Director. The Executive Director may select any of the recommended candidates or re-post the position or withdraw the posting. Once the Executive Director has approved the selection, a proposed offer of employment is extended to the successful applicant. Once it is determined that the successful applicant has accepted the terms detailed in the employment offer letter, the Executive Director presents the recommendation to hire the successful applicant to the SBA Board for their review and final approval.

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

Applicants whose responsibilities require them to visit student occupied facilities will be required to be finger-printed and a complete Criminal Background Check.

Job Descriptions/Job Postings

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

Employment of Family Members

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

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

Any exceptions must be approved in writing by the Executive Director.

Outside Employment

Agency employees may not serve as a paid consultant/employee for county school districts and Regional Education Service Agencies (RESA) without knowledge and prior approval by the Executive Director. Employees who serve as consultants/employees for other agencies or firms and receive compensation shall use annual leave for the days involved. Employees shall also provide the Executive Director a copy of consultant agreements and anticipated work schedule to prevent work related conflicts.

Outside employment is not prohibited as long as it does not conflict with the employee's primary employment. Any outside employment must not present a conflict of interest or prevent the employee from performing his or her assigned duties and must be during off duty hours. Employees may not hold any public office while employed by the School Building Authority of WV (SBA).

Personnel File

Necessary job-related and personal information about each employee is retained in the official personnel file maintained by the Agency's Director of Administration. Contents include basic employee identification, completed employment applications and other hiring

related documents, position announcements, certification and training records, notices of salary adjustments and benefit coverage information, performance evaluations, disciplinary records and other relevant job-related information or documents deemed essential by the Agency. Personnel files of current and former employees are kept indefinitely.

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

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

If there are questions regarding information contained in an employee's personnel file, the employee should bring the matter to the attention of the Director of Administration. The Director of Administration will consider the employee's objection and correct or remove erroneous or improper information with the advice and consent of the Executive Director. If the Agency decides to retain the disputed information in the file, the employee is entitled to attach a written objection to that item, making the objection a part of the permanent file.

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

Performance Expectations & Employee Code of Conduct

As your employer, the Executive Director has established standards of conduct and performance expectations for all staff members of the School Building Authority of WV (SBA). The Executive Director expects each employee to:

- Work effectively as a member of the educational team.
- Demonstrate self-control.
- Exhibit an attitude of mutual respect and tolerance.
- Demonstrate ethical conduct.
- Demonstrate good work habits.
- Demonstrate effective writing and oral presentation skills.
- Demonstrate expertise in areas of responsibility.
- Abide by state and federal laws and regulations, SBA Policies & Procedures, and directives of the Agency's Executive Director and Department Heads.
- Represent the Agency in a positive and professional manner, and
- Keep up to date with developments in her or his field.

Additionally, SBA employees are bound by the SBA Employee Code of Conduct. The Agency requires that employees shall:

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

Performance Evaluations

Employees will receive annual written job performance evaluations by their Department Head in accordance with Agency procedures. Evaluations are based upon annual goal(s), accomplishment(s) and assessment of performance. The Department Head shall review the completed evaluation form with the employee. The employee acknowledges the review by signing the evaluation form, even when in disagreement. Employees may attach an addendum to the evaluation to express the employee's disagreement with the evaluation. The signed evaluation forms shall be submitted to the Director of Administration by June 30 of each year.

If the employee's annual evaluation is unsatisfactory in any area, an improvement plan shall be implemented; however, any time an employee's performance is unsatisfactory prior to the annual evaluation, an improvement plan may be implemented.

The evaluation and improvement plan process shall not be construed as altering the at-will employment of Agency employees.

SECTION V. ADMINISTRATIVE POLICIES

Health and Safety

Appearance

Attendance and Punctuality

Absence Reporting

Job Abandonment

Political Activities

Alcohol and Drugs in the Workplace/Tobacco Control

Confidentiality

Solicitations

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Conflicts of Interest

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Workplace Security

V. ADMINISTRATIVE PROCEDURES

Health and Safety

Employees are expected to follow health and safety Best Practices and to comply with procedures established to prevent accidents. An employee is responsible for immediately reporting health and safety concerns to his or her Department Head.

Appearance

Agency employees serve as role models for the school planning and construction profession throughout the State of West Virginia. In addition, employees are responsible for representing the School Building Authority of WV (SBA) and the Executive Director in a professional manner regarding dress, grooming and conduct.

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

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

Attendance and Punctuality

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

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

Absence Reporting

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

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

Job Abandonment

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

Political Activities

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

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

There are **NO** restrictions on the following political activities:

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

Examples of **PROHIBITED** political activities for state employees are listed below. The restrictions listed represent only a partial list of the major political activities which are prohibited for state employees. Please call the Agency's Executive Director for clarification on any particular questions or for additional information regarding political activities or the definition of public office.

- Be a candidate for any national, state or local paid public office or court of record.
- Hold any public office or be a member of any political party committee whether paid or unpaid.
- Be a delegate to any state or national political party or convention OR be a member of any national, state or local committee of a political party.
- Serve as a Ballot Commissioner or election worker inside a polling place.
- Sell tickets to a political event to employees.
- Serve as a campaign treasurer or financial agent

Alcohol and Drugs in the Workplace/Tobacco Control

All employees shall comply with the applicable State Code regarding Alcohol, Drug and Tobacco use on state and County Board property, while performing their duties on school properties.

The unlawful possession, use, manufacture, distribution or dispensation of alcohol, illegal drugs or a controlled substance; the reporting to work under the influence of illegal drugs, alcohol or a controlled substance without medical authorization; the presence of a non-medically prescribed controlled substance, illegal drugs or alcohol in the body system; or possession of drug paraphernalia are all prohibited in the workplace.

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

Confidentiality

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

Solicitations

Direct or indirect political solicitation on state property or at any state work site is prohibited. Non-political solicitation, sales and/or distribution of literature or merchandise by state employees are prohibited on state property or at any work site without the written permission of the Executive Director.

Membership Fees

The Agency may pay organizational membership fees for individuals in accordance with fiscal office procedures. Participation in and recognition by professional organization(s) is important to staff members and the Agency. The holding of offices and committee assignments places obligations on staff members, which involve expenditure of time and money. These expenditures must be carefully weighed against the benefits to the Agency. Therefore, before agreeing to accept any office or committee assignment which requires such expenditures of state time and money, approval must be obtained from the Department Head and the Executive Director.

Internal Operations Procedures

The Director of Administration and the Director of Finance has several required procedures and other resources relating to manner in which financial matters are required to be submitted. These resources relate to (but are not limited to) the following procedures: purchasing, vendor registration, inventory, travel reimbursement, employee reimbursement, payroll, grants, as well as other resources such as forms. If you have questions beyond the information contained herein, you are directed to contact the appropriate staff in this Agency before proceeding with your project.

Electronic Information Systems

The WV Office of Technology establishes criteria for the safety and acceptable use of the Internet by staff members and establishes criteria for the safety and acceptable use of the internet. The Agency's electronic systems are provided for the business of the organization. All e-mail correspondence is the property of the Agency. The Executive Director has the right to access and disclose all correspondence sent over the Agency's e-mail server and network. Employees are prohibited from gaining or attempting to gain access to another employee's file or e-mail correspondence without approval; however, the Executive Director has the right to enter an employee's e-mail correspondence whenever there is a business need to do so. Additionally, employees' creating, storing, sending or viewing inappropriate materials may result in disciplinary action and/or dismissal.

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

Personnel Action

Any official action relating to personnel shall be approved by the Executive Director. Actions include, but are not limited to:

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

Telephone Calls

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

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

Use of Agency Property

Employees have the responsibility to use Agency property in accordance with the following:

- An employee is prohibited from using, for other than officially approved activities, Agency property of any kind, including property leased to the Agency.
- An employee has an obligation to protect and conserve Agency property, including equipment, supplies and all other state property.
- Any state owned or leased property which is lost or misplaced must be reported to the employee's Department Head within twenty-four (24) hours of discovery of the loss.

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

Building Access

The Agency shall provide a building access proximity card for entering any Capitol Complex Building. These cards are issued for the following time parameters:

6:00 a.m. – 7:00 p.m.	Five days a week
7:00 a.m. – 7:00 p.m.	Seven days a week including holidays

Changes in time frames for building access cards must be approved by the office Executive Director.

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

Travel

All travel shall be approved in advance by either the Executive Director or the Department Head. It must also be in compliance with applicable state travel regulations which may be viewed online at <http://www.state.wv.us/admin/purchase/Travel/TMRegs.htm>.

All staff travel is required to be turned in for reimbursement within two weeks of the date the employee traveled. This requirement will help to eliminate any issues that may arise when the mileage rate, hotel rate, or meal per diem changes.

State Vehicles

The Agency requires staff to use state vehicles obtained through Fleet Management as the **first** option regarding travel. If a state vehicle is not available, personal vehicles may be used. Any employee whose travel for a single trip that involves mileage of more than a total of 100 miles is required to utilize a state vehicle if one is available. If the total mileage is 100 miles or less, the employee has a choice of utilizing a state vehicle or their own vehicle and requesting mileage reimbursement at the current state per diem rate. If an employee chooses to use their personal vehicle and a state vehicle is available for use, the employee will only be reimbursed for the first 100 miles. State vehicles are to be used for official

business only. Accident instructions in case of an accident, a credit card and operating manuals are located in state vehicle glove compartments or in transportation notebooks.

Department of Administration Purchasing Division Vehicle Lease Terms and Conditions:

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

Conflicts of Interest

Agency employees are bound by W.Va. Code §6B-1-1, *West Virginia Governmental Ethics Act*. This Act establishes a code of conduct to guide employees and help them avoid conflicts between their personal interests and public responsibilities. An overview of the West Virginia Ethics Act: A Code of Conduct for Public Servants may be viewed online at <http://www.wvethicscommission.org/overview.htm>.

Integrated Marketing Communication Plan Development and Relationships with Media

All integrated marketing communication plans (advertising, marketing, public relations and news media) for the SBA will be coordinated with the office of the Executive Director of the School Building Authority of WV (SBA).

News releases shall be approved by the Executive Director. Agency employees are encouraged not to contact the media directly about news worthy matters without first discussing them with the Executive Director. All statements must be directed as official positions as established by the Executive Director of the Agency prior to release.

Staff members contacted while they are conducting meetings or workshops in the counties are expected to respond to those inquiries within their scope of work. Such information should be factual and consistent with the policies of the SBA. Under all circumstances, the Executive Director of the Agency must be notified as soon as possible regarding information provided to the media.

Agency Stationery

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

Font Style for Letters, Memorandums and Emails

All official letters and memorandums that are printed representing the Agency shall be printed on School Building Authority of WV (SBA) letterhead for consistency.

Today's technology means e-mail is used much more frequently than paper letter or memorandum. There should be no added background to your SBA e-mail account.

Agency Website

The School Building Authority of WV (SBA) has adopted a standard web design template. All SBA website addresses must fall within the Agency domain name.

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

Online Communication

The Executive Director, or his designee, will approve all publications/media that are to be posted on the Agency website or disseminated via listserv. Publications include, but are not limited to, PowerPoint presentations, videos, electronic brochures, electronic newsletters, electronic press releases, electronic conference agendas, electronic handbooks and electronic directories. It is required that these documents be saved as PDF's prior to placement on any Agency website page.

The production of all School Building Authority of WV (SBA) videos, social media, multi-media CD-Roms and other removable media, blogs, wikis and electronic forums shall be reviewed by the Executive Director from inception to completion to ensure that the media project is meet industry standard an Agency policy.

Logo Use

Any use of the School Building Authority of WV (SBA) logo without the written permission from the Executive Director will be considered a copyright infringement.

Copyright

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

Workplace Security

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

SECTION VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action

Suspensions or Dismissal

Grievance Procedure

Time Limits

VI. DISCIPLINARY AND GRIEVANCE PROCEDURES

Disciplinary Action

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

Employees have the obligation to keep themselves informed of all policies, rules and regulations by which they are governed. Employees are expected to meet standards of conduct and performance expectations and to adhere to applicable state and federal laws and regulations, as well as applicable School Building Authority of WV (SBA) policies and directives from the Executive Director. Failure to meet such standards, adhere to rules, regulations, policies and directives may result in disciplinary action up to and including termination at the discretion of the Executive Director. Any actions by employees which reflect discredit on their employer or the state or which hinder the effective performance of Agency functions may also be cause for disciplinary action, up to and including the termination, at the discretion of the Executive Director.

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

Suspension or Dismissal

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

- Recommendations to suspend or dismiss an employee may originate with the Department Head and shall be presented in writing with documented reasons for the action to the Executive Director.
- The Executive Director shall inquire into the matter and, if warranted, determine that suspension or dismissal may be necessary.
- Should an employee be suspended or dismissed, proper written notice shall be sent to the employee by certified mail return receipt requested.

Grievance Procedure

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

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

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

STEPS OF THE PROCEDURE

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

Level one - W. Va. Code § 6C-2-4 (a)(1)

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

Level two - W. Va. Code § 6C-2-4 (b)(1)

- Grievant may appeal the chief administrator decision within ten (10) days of receiving the Level one decision. Indicate which method of alternative dispute resolution is desired.
- The alternative dispute resolution proceeding is to be scheduled within twenty (20) days and the outcome of this proceedings is to be documented, in writing, in fifteen (15) days.

Level three - W. Va. Code § 6C-2-4 (c)(1)

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

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

NOTE: WAIVER TO LEVEL THREE

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

Matters Excluded from the Grievance Procedure

The following are not legitimate grievance matters:

- When authority to act is not vested with the employer.
- Relating to public employee retirement.
- Relating to public employees insurance.

Time Limits

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

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

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

SECTION VII. SEPARATIONS

Resignation

Retirement

Reduction in Force

Dismissal

Death

VII. SEPARATIONS

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

All employees who leave the employment of the Agency must complete an exit interview scheduled by the Director of Administration with the Executive Director. During the exit interview, the employee is required to return all assigned Agency property, including but not limited to the employee ID card, building access card, office credit cards, office key(s) and any assigned Agency equipment (such as office cell or Parkways Authority's EZ Pass). Failure to receive clearance and receipt of Agency property results in a delay in processing the employee's final paycheck.

Employees may contact the Public Insurance Agency and the Retirement System for more complete information concerning benefits on separation.

Resignation

Employees who plan to resign are asked to give two weeks written notice prior to their last day of work. The notice should state the reason for the resignation. This written notice of the resignation must be submitted to the Executive Director with copies to the Department Head and the Director of Administration. Employees who resign are entitled to payment for accrued annual leave not to exceed 40 days.

Retirement

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

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

Reduction In Force

Due to a lack of need or funding, it may become necessary for the Agency to institute a Reduction In Force (RIF) plan. Employees shall be notified in writing 15 working days in advance of the effective date if they are to be affected by the RIF.

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

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), laid-off employees and eligible dependents may continue their medical insurance coverage at their own expense for an additional 18 months beyond the mandatory three-month extension period. The 18 month maximum period may be extended to 29 months for COBRA beneficiaries who are disabled on the date insurance coverage terminates.

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

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

Dismissal

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

Death

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

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