

MINUTES OF THE STATE PERSONNEL BOARD

September 28, 2017

Charleston, West Virginia

The State Personnel Board (SPB) met on September 28, 2017, at 2:00 p.m. to conduct business and to consider other administrative matters. Present at the meeting: Chair John Myers; Board members Rick Wallace, Ross Taylor, Mark Carbone, Jay Arceneaux, and Bernie Deem (participating by telephone); Lloyd White, Marion County Health Department; Andrea Fout Tinsely and Jerry B. Jenkins, Division of Natural Resources; Jackson Hatfield; Robert Paulson, Department of Administration; Wil Valentino, Attorney General's Office; April Darnell, Regional Jail Authority; Kathleen Dempsey, Natasha White, James Martin, Patrick Park II, Paul Kelley, Nicholas Varney, Matthew Buckner, Derek Wagner, Gary Matheney, Jason Gay, Harry O'Conner, Richard Lowe, Donn Cyrus, Chad Robinson, and Don Burford, employees of the Department of Transportation, Division of Highways.

Division of Personnel (DOP) staff members attending were: Sheryl Webb, Director; Joe Thomas, Deputy Director; Wendy Elswick, Teresa Morgan, Carrie Sizemore, Lisa Collins, Elisabeth Arthur, Annette Billups, Bobbie Seyedmonir, Kelly Turner, Mark Isabella, and Board Secretary, Drema Gibson.

APPROVAL OF MINUTES

The members of the SPB received the minutes from the August 17, 2017, meeting prior to the meeting. Mr. Carbone moved to accept the minutes as written, and Mr. Arceneaux seconded the motion. The Board approved the minutes by unanimous consent.

PROPOSALS

2754 Department of Administration - Division of Personnel

Upon motion of Mr. Carbone and seconded by Mr. Arceneaux, the SPB approved the DOP's proposal (SPB #2754) to abolish the classification specification Word Processor (9010) and to revise the classification specifications Data Entry Operator 1 and Data Entry Operator 2, and to reclassify positions from Word Processor to Data Entry Operator. This proposal was approved with an effective date of October 14, 2017. The Department of Health and Human Resources has three positions currently classified as Word Processors and has requested they be reclassified as Data Entry Operator 2 with no special plan of implementation to provide pay increases. The Word Processor classification is no longer used by any other agency in the classified service.

2755 Berkeley County Health Department

Upon motion of Mr. Wallace, seconded by Mr. Carbone, the SPB approved the Berkeley County Health Department's proposal (SPB #2755) to implement a \$1,500.00 per year across-the-board base building salary adjustment for all permanent employees of the Berkeley County Health Department to be effective October 16, 2017. This approval was based upon the August 15, 2017 minutes of the Berkeley County Board of Health.

2756 Monongalia County Health Department

Upon motion of Mr. Arceneaux, seconded by Mr. Taylor, the SPB approved the Monongalia County Health Department's proposal (SPB #2756) to convert a classified position, a Dentist II, to a classified-exempt position, effective October 28, 2017. This approval was based upon the Monongalia County Board of Health's decision to request that this position be made exempt during Executive Session at its July 27, 2017 regular board meeting.

2759 Marion County Health Department

Upon motion of Mr. Carbone, seconded by Mr. Arceneaux, the SPB approved the Marion County Health Department's proposal (SPB #2759) to designate the Tobacco Prevention Program as the organizational unit for a reduction in force due to lack of funds to be effective no sooner than the close of business on October 6, 2017. This proposal was approved based upon the draft minutes of the July 26, 2017 Marion County Board of Health.

2760 Department of Administration - Division of Personnel

Upon motion of Mr. Wallace, seconded by Mr. Arceneaux, the SPB approved the DOP's proposal (SPB #2760) to create the classification specification Assistant Administrator, Acute Care Hospital (7970) and add it to the State of West Virginia Classification and Compensation Plan at pay grade 20 (\$41,736 - \$77,220). The Department of Health and Human Resources (DHHR) currently has three positions performing the duties associated with Assistant Administrator, Acute Care Hospital; one at each of its Acute Care facilities, Welch Community Hospital, William R. Sharpe, Jr. Hospital and Mildred Mitchell-Bateman Hospital. These positions are currently classified as Administrative Services Manager 3 (9412). These three positions are to be reclassified to Assistant Administrator, Acute Care Hospital (7970). The current and proposed pay grades are the same; therefore, no special plan of implementation is requested. The effective date is October 28, 2017.

2761 Department of Commerce – Division of Natural Resources

Upon motion of Mr. Taylor and seconded by Mr. Carbone, the SPB approved the Division of Natural Resources' proposal (SPB #2761) to create the classification specification Natural Resources Police Officer Colonel (7971) and add it to the State of West Virginia Classification and Compensation Plan. The Chief Law Enforcement Officer is currently classified as an Environmental Resources Program Administrator. The salary for the Natural Resources Police Officer, Colonel classification is set in statute per Senate Bill 493, which was passed by the Legislature on April 6, 2017 and signed by the Governor on July 5, 2017. The new classification specification and reclassification is to be effective October 28, 2017.

2762 Department of Administration – Board of Risk and Insurance Management

Upon motion of Mr. Arceneaux and seconded by Mr. Wallace, the SPB approved the Board of Risk and Insurance Management's (BRIM) proposal (SPB #2762), as modified, to create, and add to the State of West Virginia Classification and Compensation Plan, the following three classifications at the pay grades as shown:

Title	Pay Grade
Risk and Insurance Analyst 1 (7972)	PG 16 (\$33,036 - \$61,128)
Risk and Insurance Analyst 2 (7973)	PG 18 (\$37,140 - \$68,712)
Risk and Insurance Manager (7974)	PG 22 (\$47,352 - \$87,612)

The two current Safety and Loss Control Specialists in the Loss Control Department will be reclassified to Risk and Insurance Analyst 2 and one Safety and Loss Control Manager will be reclassified to Risk and Insurance Manager. The new classification specifications and pay grades, and the reclassification of these three positions, is to be effective October 28, 2017.

2763 Department of Transportation – Division of Highways

Upon motion of Mr. Carbone and seconded by Mr. Arceneaux, the SPB approved the Division of Highways' (DOH) proposal (SPB #2763) to create a structured wage progression program based on the Bridge Safety Inspector Certification Program, which has been in effect since July 1, 2014. The following has been approved effective October 28, 2017:

- 1) The creation of a Bridge Safety Inspector 5 (7975) classification specification at Pay Grade 19 (\$39,372 - \$72,840).
- 2) An entry salary of \$27,000 for the Bridge Safety Inspector 1.
- 3) A 5% increase for passing the National Highway Institute exam as a Bridge Safety Inspector 1.
- 4) A 5% increase for passing the national exam as a Bridge Safety Inspector 2.
- 5) Pay on reallocation throughout the series would be based on the current DOP *Administrative Rule* and Pay Plan Policy provisions. This provides DOH with flexibility on the amount of increase.
- 6) Bridge Safety Inspector 3 will receive a 10% retention incentive after 12 months of continuous service in the position.

As a special plan of implementation, the DOH and DOP agree that any Bridge Safety Inspector who is making less than the new entry salary of \$27,000 shall be brought to the new salary. The agencies further agree that any current Bridge Safety Inspector 1-4 who has already passed the exam(s) shall have his or her salary increased by 5% for successful completion of each exam.

2764 Department of Transportation – Division of Highways

Upon motion of Mr. Carbone and seconded by Mr. Arceneaux, the SPB approved, as amended, the Department of Transportation, Division of Highways' proposal (SPB #2764) to establish the *West Virginia Department of Transportation, Division of Highways Personnel Autonomy Pilot Program*. A copy is attached and made a part of these minutes. This Pilot is effective upon passage and is in effect for a maximum of one (1) year. As an amendment to the proposal, the SPB instructed the DOP to begin gathering data on the effectiveness of the Pilot after four (4) months and a preliminary report is to be

provided to the SPB at the completion of six (6) months. The SPB further clarified that DOP was to exercise oversight of the Pilot and would be the entity responsible for classifying positions.

OTHER BUSINESS

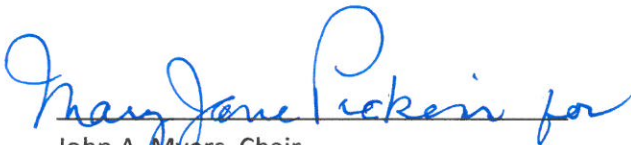
Upon motion of Mr. Arceneaux and seconded by Mr. Wallace, the SPB went into Executive Session to hear an appeal from a former employee of the WV Regional Jail and Correctional Facility Authority pertaining to disqualification from reemployment in the classified service. The appeal had been tabled from the August 17, 2017, meeting of the SPB. Mr. Arceneaux moved, and Mr. Carbone seconded, to return to the regular session of the SPB. Upon motion of Mr. Wallace, and seconded Mr. Carbone, the SPB reversed the disqualification decision made by the DOP.

ADJOURN

Upon motion of Mr. Wallace and seconded by Mr. Carbone, the meeting adjourned at approximately 3:10 p.m.

NEXT BOARD MEETING

The next regular meeting of the SPB is scheduled for Thursday, October 19, 2017, at 1:00 p.m. at the offices of the Division of Personnel, Building 3, Suite 500, State Capitol Complex, Charleston, West Virginia.



John A. Myers, Chair
State Personnel Board



Drema Gibson, Secretary
State Personnel Board



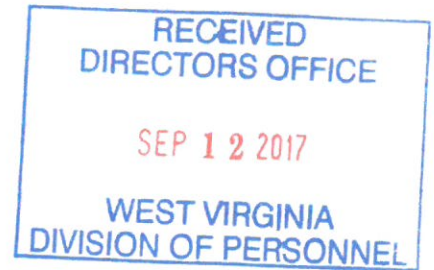
SPB # 2764

**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • (304) 558-0444

Jim Justice
Governor

Thomas J. Smith, P. E.
Cabinet Secretary

September 12, 2017



The Honorable John A. Myers
West Virginia Department of Administration
Building 1, Room E-119
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Secretary Myers:

As you are aware, Governor Justice's Roads to Prosperity initiative has been the centerpiece of this Administration's effort to improve our State's infrastructure, economy, and citizens' livelihoods. This ambitious roads program is no simple task; it requires mutual coordination and assistance from other executive agencies. The West Virginia Department of Transportation, Division of Highways ("DOH") cannot do it alone.

Over the last several weeks, the West Virginia Division of Personnel ("DOP") has worked closely with my staff, and DOH and DOP have jointly prepared a proposed Pilot Program to be submitted to the State Personnel Board for consideration and approval. I am hopeful this proposed Pilot Program will quickly address many of DOH's critical hiring and retention needs.

Accordingly, I kindly request that you add the DOH/DOP Pilot Program proposal to the State Personnel Board's September meeting agenda. Members of my staff will be present to provide answers to any questions the Board may have.

Should you have any questions or require additional information, please do not hesitate to contact my office.

Best regards,

Thomas J. Smith, P. E.
Secretary of Transportation/
Commissioner of Highways

TJS:S

cc: Michael Hall, Chief of Staff, Office of the Governor
Sheryl R. Webb, Director, Division of Personnel

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS**

PERSONNEL AUTONOMY

PILOT PROGRAM

In Cooperation with the West Virginia Division of Personnel

WHEREAS, the West Virginia Department of Transportation, Division of Highways (“DOH”) is tasked with the construction, repair, and maintenance of roads comprising the State Road System.

WHEREAS, the DOH is suffering from a severe shortage of employees to accomplish the primary tasks of the agency;

WHEREAS, the West Virginia Legislature recently passed various revenue measures to provide the DOH with substantial increased funding.

WHEREAS, the West Virginia Legislature recently authorized the DOH to sell Federally backed Grant Anticipation Revenue Vehicle bonds, which will permit the DOH to leverage hundreds of millions of dollars in federal highway aid.

WHEREAS, a bond referendum election will be held on October 7, 2017, to determine whether the State of West Virginia may sell general obligation bonds above current thresholds.;

WHEREAS, the DOH is tasked with supporting an enormous roads program, with or without the approval of the October 7, 2017, bond referendum.

WHEREAS, The West Virginia Division of Personnel (“DOP”) is tasked with the establishment and application of a civil service system within the government of the State of West Virginia.

WHEREAS, The Director of the DOP, with the approval of the West Virginia Board of Personnel, is imbued with the authority to establish pilot programs and other projects outside the provisions of the Personnel Code for a period of one year.

WHEREAS, the DOP, in response to the urgent staffing needs of the DOH, desires to assist the DOH to improve the speed, efficiency, and effectiveness of the current staffing and hiring process for prospective and current DOH employees.

THEREFORE, the DOP and the DOH propose a Pilot Program to provide personnel autonomy to the DOH.

This Personnel Autonomy Pilot Program is set forth as follows:

- I. Definitions:
 - a. Applicant/Candidate – A potential or current employee who has applied for a vacant position.
 - b. Audit – A thorough review and reconciliation of all personnel transactions processed pursuant to the Pilot Program.
 - c. Classification – The allocation of a position to one of the classifications established in the DOP classification plan.
 - d. DOH - West Virginia Department of Transportation, Division of Highways.
 - e. DOP- West Virginia Division of Personnel.
 - f. Grievance – The process provided in W. Va. Code § 6C-2-1, *et seq.*, whereby employees grieve an issue related to their employment.
 - g. Employee – Civil Service Employee of the State of West Virginia.
 - h. Pilot Program – Personnel Autonomy Program requiring approval of the West Virginia State Personnel Board.
 - i. Pilot Register – The special register of candidates for job vacancies created for purposes of the Pilot Program.
 - j. Posting/ Posting Period – the time during which a job opening is available and notice given by DOH and on the DOP web site.
 - k. Transaction - Any personnel action taken in regard to an employee or the position an employee occupies.
 - l. wvOASIS – West Virginia’s Enterprise Resource Planning System.

II. Purpose:

This Pilot Program is intended to provide as much personnel autonomy as possible to the DOH in order to address the urgent staffing needs of the agency. This program is in effect for one year following the date of approval of this Proposal by the State Personnel Board.

III. DOP Responsibilities

- a. DOP will provide Registers of Eligible Applicants to DOH upon request and within three (3) business days.
- b. DOP will exclude from Registers disqualified candidates who are not suitable for positions in State government.
- c. DOP will facilitate any necessary processing to achieve the aims of this Program, including approval of transactions in wvOASIS, and any additional required procedural steps.
- d. DOP will expeditiously complete DOH postings for the term of this Pilot Program.
- e. DOP will change processes to have all postings released expeditiously.
- f. DOP will give substantial deference to DOH’s position classification assessments and will deviate from such DOH assessments when they are clearly wrong only.

- g. DOP will provide a written justification to DOH within two (2) business days of its decision to deviate from any DOH position classification assessment.
- h. DOP will begin its audit of this Pilot Program six (6) months from the effective date of the Program.
- i. DOP commits to rapid response times for the duration of this Program.
- j. DOP will perform its responsibilities under this Pilot Program in good faith.

IV. DOH Responsibilities

- a. DOH will exercise full discretion in making compensation determinations within applicable DOP pay plan policies and within applicable pay scales approved by the State Personnel Board; Provided, That DOH may propose a special pay scale to the State Personnel Board for this Program at any time during the Program.
- b. DOH may pay 10% for every 6 months of additional training or experience for the duration of this Program.
- c. DOH will have discretion to interview any applicant for a Transportation Worker 1 position, regardless of where the applicant falls on the register.
- d. DOH will fully cooperate with the DOP audit, which may begin six (6) months after the effective date of this Pilot Program.
- e. DOH will perform its responsibilities under this Pilot Program in good faith.

V. General Terms

- a. This Pilot Program will continue in effect for one year following the date of its approval by the State Personnel Board.
- b. Alterations to the Pilot Program must be agreed to by both DOP and DOH and presented to the State Personnel Board for approval.
- c. DOP and DOH will collect data to determine the effectiveness of the Pilot Program.
- d. Nothing in this Pilot Program will impact the current ability of state employees to file grievance with the Public Employees Grievance Board.

DOA/DIVISION OF PERSONNEL APPROVAL:

Sheryl R. Webb, Director
West Virginia Division of Personnel
Building 3, Room 5000
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Date

DOT/DOH APPROVAL:

Thomas J. Smith, P.E.
Secretary of Transportation, Commissioner of Highways
West Virginia Department of Transportation, Division of Highways
Building 5, Room 109
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Date