



A Newsletter For West Virginia State Government Employees

July 2001

Volume 12 Number 6

## Leave Acts Complicated; DOP Issues Bulletin Revision

The Division of Personnel has recently revised its interpretive bulletin outlining the provisions of the West Virginia Parental Leave Act and the federal Family and Medical Leave Act (FMLA).

In 1989, the West Virginia Legislature enacted The Parental Leave Act to provide employees with unpaid time away from work (after exhausting annual and personal leave) for family medical reasons without risk of employment loss. Later, in 1993, the United States Congress enacted the FMLA, which similarly provides for family and medical leave to be taken by eligible employees for qualifying events.

In addition to the West Virginia Parental Leave Act and FMLA, the Division of Personnel's *Administrative Rule* also provides for leave, both paid and unpaid, if an employee meets specific eligibility require-

ments and requests the leave for a qualifying event. These laws and Rule have differing eligibility requirements and entitlement provisions. **Most State employees are covered by both the State and federal laws, and/or the *Administrative Rule*, and therefore, are entitled to the greatest benefit or most generous rights provided under the different parts of each.** For these reasons, each request for family or medical leave should be individually evaluated and guidance provided on a case-by-case basis.

Generally, the Parental Leave Act and the FMLA provide all eligible employees up to 12 weeks of unpaid, job-protected leave during any 12-month period. The employer *must grant* an eligible employee up to a total of 12 workweeks of either unpaid leave; employee-chosen accrued, paid leave; or employer-des-

ignated accrued, paid leave during any 12-month period for any of the following reasons:

- \* The birth and care of an employee's newborn child;
- \* Placement with the employee of a son or daughter for adoption or foster care; or,
- \* To care for an employee's spouse, child, or parent who has a serious health condition;

The FMLA also provides for leave due to an employee's own illness, although it should be noted that the

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## Correctional Officer Recruitment Issue Addressed

As of July 1, 2001, the hiring rates for all levels of Correctional Officers were increased by \$2,004 per year. The increases were requested by Military Affairs and Public Safety Cabinet Secretary Joe Martin, and approved by the State Personnel Board, to improve recruitment and retention of Correctional Officers.

The increases apply to all Correctional Officers. Funds for the salary increases and pay rate revisions were appropriated to the Department of Military Affairs and Public Safety during the regular Legislative session.

"We continue to have a severe problem with the recruitment and retention of Correctional Officers in all of our correctional and juvenile detention facilities," Martin said.

Martin also indicated that the severe salary gap causes State facilities to lose experienced officers which, in turn, results in a significant additional

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**\$ INCOME TAX WITHHOLDING \$**  
**AMOUNT LOWERED**

New withholding tables may reduce the amount of income tax withheld from the wages you are paid after June 30, 2001. On July 1, 2001, reductions in the former 28% and higher tax brackets went into effect. These new tax tables reflect a change that resulted from the Economic Growth and Tax Relief Reconciliation Act of 2001. Employees who do not wish to have their withholding amounts reduced should contact their payroll coordinators to fill out a new W-4 Form. You may claim fewer withholding allowances (line 5 of the form) or request that an additional amount be withheld (line 6 of the form).

## New Law Establishes Health Care Rights

Did you know that West Virginia now has a Patients' Bill of Rights regarding health care treatment? One of the first bills introduced by Governor Bob Wise was the West Virginia Patients Bill of Rights, which guarantees that Health Maintenance Organizations (HMOs) do not have the final word on what lifesaving treatments you and your family can have.

Under this new law, which took effect in mid-July 2001, you have a number of rights if you and your HMO are in dispute over whether specific types of treatment or medicines are covered, if the treatments or medicines are necessary, or if they are considered experimental. You have the right to:

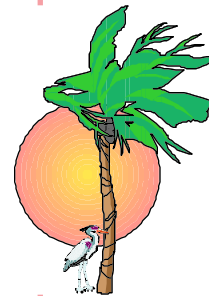
- \* **Appeal to the HMO's internal review board.**
- \* **Appeal the HMO's decision to the West Virginia Insurance Commission.**
- \* **Have questions of necessity or experimental classification reviewed by an independent, external review by 3 health care providers.**
- \* **Have a decision within 7 days in urgent cases.**
- \* **Appeal any decision of the Commission in court.**

If you or a family member suffer injury as a result of actions by your HMO, it may be possible to recover damages in court. There are no dollar limits on injury claims, **but the purpose of the process is to avoid injury by creating a system for quick settlement rather than to encourage law suits.**

The provisions of the West Virginia Patients' Bill of Rights apply only to people whose health insurance is covered by West Virginia law – they do not apply to any plans which come under federal jurisdiction. Anyone interested in supporting a national Patients' Bill of Rights may write a letter of support to Senator John D. Rockefeller, IV, 531 Senate Hart Building, Washington, D.C. 20510 or send an email to [senator@rockefeller.senate.gov](mailto:senator@rockefeller.senate.gov).

### PECU Offers Bigger/Better VACATION LOANS

After listening to its members and realizing that vacations can easily exceed \$1,000, the Public Employees Credit Union (PECU) has improved its vacation loans by increasing the amount you can borrow and reducing the interest rate. Through August 31, 2001, members can now borrow up to \$2,000 at a rate as low as 9.99% APR. The amount is repaid in 15



monthly payments of \$142.50. Any member who has taken out a vacation loan at the PECU under the old terms and conditions is eligible for the additional amount and should contact the PECU at 558-0566.

In addition, the PECU is pleased to announce that its number of fee-free ATMs keeps growing! To find the one nearest you, look on their website at [www.atmallianceone.org](http://www.atmallianceone.org).



### PSRW EVENTS HAPPENING SEPT. 24-28

Public Service Recognition Week activities will be held the week of September 24-28, 2001. Events at the Capitol to-date are as follows (subject to change):

<b>Agency Exhibits:</b>	Sept. 24-28 11:30 A.M. -1:30 P.M.
<b>Annual Bake-Off:</b>	Sept. 25 8:00 A.M.
<b>Governor's Awards Ceremony:</b>	Sept. 27, 1:30 P.M. <i>By invitation only</i>
<b>Lunchtime Activities:</b>	Food Vendors Entertainment

For more information, contact Jane Fouty at 558-3950, ext. 206.

First Labor Day? September 5, 1882



### RECRUITMENT – Continued from Page 1

cost of recruiting and training replacements. "This is a serious public safety issue and I appreciate Governor Wise and the legislative leadership giving us the budget level to support the new pay rates," Martin said.

State Personnel Director Nichelle Perkins has convened an interagency task force to develop long-term plans for Correctional Officer staffing.

"This problem affects several agencies, and partnerships need to be developed to better address the issue," she said. Perkins said the State needs to emphasize the stability of Correctional Officer jobs and the benefit package offered by State government. "Correctional Officer jobs are going to be here for the long term and should be made attractive as a career," Perkins said.

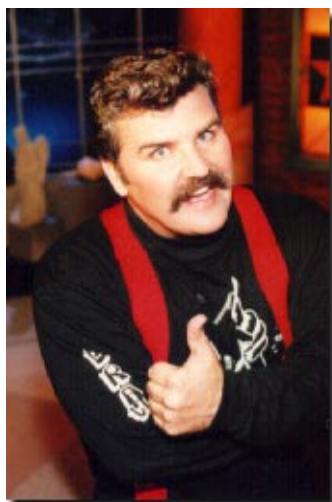
Perkins notes that the task force will be working with the Governor's Workforce Investment Office to enhance the recruitment effort for Correctional Officer positions. Anyone interested in a Correctional Officer position should visit the Division of Personnel's website at [www.state.wv.us/admin/personnel](http://www.state.wv.us/admin/personnel) for available openings and application procedures.

## TV's Favorite Drawing Teacher Hosting August Workshops

Contributed by Shawn Patterson of West Virginia Public Broadcasting.

Public television's favorite drawing teacher, Mark Kistler of *Mark Kistler's Imagination Station*, is coming to West Virginia to conduct 4 workshops in August.

Kistler's visit is sponsored by West Virginia Public Broadcasting. Registration is \$35 for the first child,



**Mark Kistler, Public TV's favorite drawing teacher, will conduct children's art workshops in West Virginia during the month of August.**

\$25 for friends and siblings on the same registration. Parents and grandparents are free and encouraged to participate. All materials are included in the fee. Each workshop is 3 days with one-hour sessions for each age group.

The first session is from 9-10 A.M. each day and designed for children ages 6-7. The second session is 10:30-11:30 A.M. for children 8-12 years old. The third session for children 9 and up will run from noon to 1 P.M. There will also be an evening session from 6:30-7:30 which is designed for family participation. (Note: if a class falls on a Saturday, there will be no evening session)

The first workshop will be August 13-15 at West Teays Elementary School in Putnam County and

is jointly sponsored by the Museum in the Community. The Raleigh Mall in Beckley will be the site for the second workshop, running August 16-18. The third workshop will be at Tuscarora Elementary School in Martinsburg from August 20-22, and is jointly sponsored by the Family Resource Network of the Panhandle. On August 23-25, those registered will take part at the Ramada Inn in Morgantown.

Students at the workshops will experience daily "art attacks," progressing through a series of amazing pencil power adventures. Each day, Kistler will explore a different theme on creative discovery.

Kistler has written 5 best-selling children's how-to-draw books and has taught millions of children in 18 countries how to draw. You can find out more about Mark Kistler through his website ([www.draw3d.com](http://www.draw3d.com)) and by watching his show on WVPBS each weekday at 2 P.M. Be sure to check out Kistler's webpage "Drawing Lessons" Section at [www.draw3d.com/lessons.htm](http://www.draw3d.com/lessons.htm).

Call Karen Akers at 304/254-7854 or email her at [kakers@wvpubcast.org](mailto:kakers@wvpubcast.org). Children of all ages are invited to register.

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*Administrative Rule* allows for a leave of absence without pay for up to 6 months in these cases. In addition, although the FMLA provides for unpaid leave, the employee may choose OR the employer may require the substitution of accrued, paid leave for all or part of the leave period.

Under the Parental Leave Act, the employee must first exhaust all annual and other personal (i.e., paid) leave before using the 12 weeks of unpaid leave. Both the State and federal laws allow for family leave to be taken on a part-time basis. Any leave taken in this manner should be scheduled so as not to unduly disrupt the operations of the employer.

An important provision is the requirement of the employer to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if he/she continued to work. In addition, upon return from FMLA leave, the employee must be restored to his or her original job, or to a job "equivalent" to the former

position in terms of pay, benefits, and other employment terms and conditions. The State law is more stringent, requiring that the employee be returned to the same job.

Because the provisions of family and medical leave are so extensive and complex, this article can only provide very general information concerning both the State and federal Acts. Use and coordination of leave under the State Parental Leave Act, the federal Family and Medical Leave Act, and the State Division of Personnel's *Administrative Rule* is a complicated effort. Again, each request for must be reviewed and evaluated on an individual, case-by-case basis in order. Please call the Employee Relations Section of the Division of Personnel for additional information (558-3950, ext. 511). Anyone who is interested can find the full text of the interpretive bulletin (Parental Leave Act/Family and Medical Leave Act, Bulletin No. DOP-B1) on the West Virginia Division of Personnel's website: [www.state.wv.us/admin/personnel](http://www.state.wv.us/admin/personnel).

# Agriculture Provides Wealth of Information and Assistance

The West Virginia Department of Agriculture (WVDA) is a great source of information on a wide variety of topics. Need some advice to get your garden under control? WVDA has several gardening publications available for free, such as Gardening for Beginners and Home Vegetable Garden Pest Control.

If gardening is not your forte, pamphlets on growing trees or pastureland, or raising honeybees, sheep, cows, horses, and more are also available.

Don't want to grow anything? If you're an outdoorsman, you may be interested in Edible Wild Plants, Trees of West Virginia Farms and Woodlots, Woody and Nonwoody Plants, and Plants of West Virginia Waters. The pamphlet about Poisonous Plants might come in handy too.

If flowers are more your thing, you might want to check out West Virginia Mid-Summer Wild Flowers or Spring Wild Flowers.

For those of you who like food (who doesn't?) there are award winning recipes, consumer guides, an herb directory, recipes books for vegetables, honey, cornmeal, meat, eggs, and more. And booklets to help you cook it all safely! (Safe Food Handling, E. coli, Food Safety Fact Sheet.)

We're just getting started. They also have publications on rabies, common snakes of West Virginia, mole control, recycling, pond management, wineries, and last but not least, several coloring books for your kids!

Just go to [www.state.wv.us/agriculture/available\\_publications.html](http://www.state.wv.us/agriculture/available_publications.html) and see what all they have! You can request publications from the website, or you may write or call for information to Publications Division, West Virginia Department of Agriculture, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305, 304/558-3708.

## Pencil In ...



WELLNESS COUNCIL OF WEST VIRGINIA

The **15<sup>th</sup> Annual Governor's Conference on Worksite Wellness** will take place at the Charleston Marriott on October 22 and 23, 2001. This year's conference theme is *Worksite Health Promotion: What Works and What's the Impact*. Call them at 766-2686 for more.

The **West Virginia Poison Control Center** has a new nationwide toll-free number. The new number is 1-800-222-1222.



Having remodeling or repair work done to your home? **Check out the contractor** through the WV Attorney General's Office by calling 1-800-368-8808.



## Good News Mountaineer Garage:


Are you thinking about getting a new car? Is your old vehicle in good condition? Have you heard about the Good News Mountaineer Garage? Many West Virginians are unable to go to work or support their families because they lack reliable transportation. The Good News Mountaineer Garage (GNMG) is a program that provides donated vehicles (please, no clunkers) to qualified, needy West Virginia families who have been approved by the West Virginia Department of Health and Human Resources (DHHR). The GNMG makes necessary overhauls and repairs, and the vehicles are sold to the approved families for \$1.00. The program is funded by the DHHR and the Claude Worthington Benedum Foundation, with support from the West Virginia Development Office's Neighborhood Investment Program. Your donation qualifies as a charitable deduction on federal taxes. If you're interested in making a donation or need more information, call 1-877-GIVECAR or 304/344-3141.

# PEIA DAYS

PEIA will be hosting public listening sessions as part of the effort to redesign the PEIA. A session was held in Charleston on July 26. Other upcoming sessions are:

<b>August 7</b>	<b>Huntington</b>	<b>Huntington Civic Center</b>
<b>August 14</b>	<b>Parkersburg</b>	<b>WVU Parkersburg Campus</b>
<b>August 23</b>	<b>Morgantown</b>	<b>Location To Be Announced</b>

The evenings will begin at 4 P.M. with a customer service session, so that members with problem claims will have the opportunity to meet face-to-face with customer service reps and get those problems resolved. The public listening session will begin at 6:30 P.M. Call the PEIA at 558-7850 for more information.

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