

West Virginia Department of Labor

1800 Washington Street, East, Charleston 25305 (304) 348-7890

GASTON CAPERTON
Governor



ROY M. SMITH
Commissioner

September 7, 1990

The Honorable Ken Hechler
Secretary of State
The Capitol
Charleston, West Virginia 25305

Dear Mr. Secretary:

On July 2, 1990, at the request of the Department of Public Safety, the West Virginia Division of Labor filed with the office of the Secretary of State, an Emergency Rule relative to West Virginia Code Chapter 21, Article 5, Section 5c (Polygraph Examinations, Limitation of Use, Requirements, Licenses and Penalties). This rule was filed in total compliance with the provisions of West Virginia Code 29A-1 and only after an assessment of need and an "Emergency Rule" filing evaluation by the Administrative Law Division of the Office of the Secretary of State.

Parallel to the Emergency filing, the Division also began the process of presenting the same rule as a proposed rule. Again, all actions were in total compliance with the requirements of WV Code 29A-1. A "public comment" period closed on August 2, 1990 with no comments received. The rule was then filed as "Agency Approved" to the Legislative Rule-Making Committee for consideration as a proposed rule. Shortly after this action was taken, public input was received that has given cause for the re-evaluation of the necessity for the rule change.

Therefore, I desire to withdraw both the Emergency Rule and the Proposed Rule, Title #42, Series VI, Polygraph Examinations, Limitations of Use, Requirements, Licenses and Penalties, as promulgated under authority of WV Code Chapter 21, Article 5, Section 5c.

Sincerely,

Roy M. Smith
Commissioner of Labor

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