

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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2009 JUN 10 PM 4: 34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Division of Personnewl TITLE NUMBER: 143

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 8

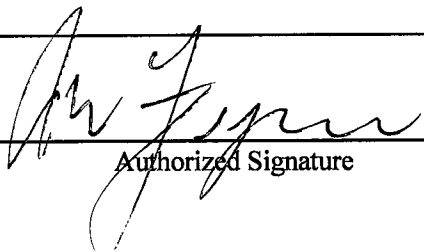
TITLE OF RULE BEING PROPOSED: Reimbursement of Compensation Paid to State
Employees for Training, Education and Professional
Development

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 172

SECTION 64.2.2, PASSED ON April 11, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2009


Authorized Signature



West Virginia Division of Personnel

Department of Administration

Tari McClintock Crouse, Acting Director

Joe Manchin III, Governor
Robert W. Ferguson, Jr., Cabinet Secretary
STATE PERSONNEL BOARD
Robert W. Ferguson, Jr., Chairman
John A. Canfield ♦ Mark W. Carbone
Sharon Lynch ♦ Eugene Stump
Elizabeth Walker

MEMORANDUM

TO: Robert W. Ferguson, Jr., Secretary
Department of Administration, and
Chairman
State Personnel Board

FROM: Tari McClintock Crouse
Acting Director of Personnel

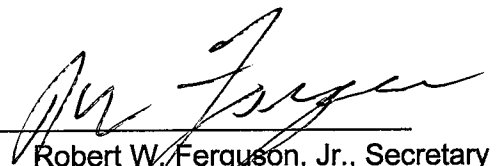
RE: Final Filing of Proposed Legislative Rule

DATE: September 4, 2008

Your approval is requested for filing with the Secretary of State's Office the notice of final filing and adoption of a legislative rule authorized by the West Virginia Legislature regarding *Reimbursement of Compensation Paid to State Employees for Training, Education and Professional Development*, 143CSR8 in accordance with the provisions of *W.V. Code §29A-3-1 et seq.* This rule was authorized by the Legislature in Senate Bill 172, passed on April 11, 2009. A copy is attached.

Thank you for your consideration of this request.

APPROVED: _____


Robert W. Ferguson, Jr., Secretary
Department of Administration, and
Chairman
State Personnel Board
June 10, 2009

TMC/

Attachment

143CSR8

TITLE 143
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF PERSONNEL

SERIES 8
REIMBURSEMENT OF COMPENSATION PAID TO STATE EMPLOYEES
FOR TRAINING, EDUCATION AND PROFESSIONAL DEVELOPMENT

§143-8-1. General.

1.1. Scope. – This rule implements the provisions set forth in West Virginia Code §6C-4-1 et seq. by establishing a written agreement for reimbursement of compensation paid to state employees for training, education and professional development.

1.2. Authority. – West Virginia Code §6C-4-2(c) and §29-6-10.

1.3. Filing Date. – June 10, 2009

1.4. Effective Date. – July 1, 2009

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 143-8-2. Reimbursement agreement form.

2.1. A written reimbursement agreement to repay training compensation for advanced professional development training shall read as follows with the details of each agreement specified by the employing agency:

STATE OF WEST VIRGINIA

ADVANCED PROFESSIONAL DEVELOPMENT TRAINING EXPENSE
REIMBURSEMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 20____, by and between _____ (referred to in this Agreement as "the Employee"), and the _____ of the State of West Virginia (referred to in this Agreement as "the Agency"), provides as follows:

WHEREAS, the Agency will incur expenses in the form of training compensation related to advanced professional development training of the Employee in the form of _____, and

WHEREAS, "training compensation" means tuition and expenses, paid to or on the behalf of the

Employee in the amount of _____ for the above specified advanced professional development training, and

WHEREAS, the Agency and the Employee recognize that it is unfair and inequitable for the Agency to incur expenses for advanced professional development training of the Employee if the Employee does not remain with the Agency for at least one year after the completion of such advanced professional development training;

NOW THEREFORE, the parties agree as follows:

1. If the Employee voluntarily leaves employment with the Agency within one year after completion of advanced professional development training paid for by the Agency, and becomes employed within one year with an entity other than the State of West Virginia, in a capacity which utilizes the advanced professional development training, the Employee shall repay, within one year of his/her employment with an entity other than the State of West Virginia, a pro rata portion of the training compensation calculated at the rate of 1/365th of the agency cost of the advanced professional development training for each day of the unmet employee obligation.
2. The Agency may utilize any and all lawful collection methods for repayment of the pro rata portion of the training compensation, including, but not limited to: withholding of the Employee's final paycheck; withholding payment of the Employee's annual leave upon separation; attachment of the Employee's wages; and, action against the Employee's contributions to and/or benefits of any State retirement system.
3. The Employee shall report any employment within one year with an entity other than the State of West Virginia, in a capacity which utilizes the advanced professional development training.
4. In the event the Employee is delinquent in repayment, the Agency shall be entitled to collect the entire amount immediately and may take legal action to do so. In the event this matter is referred to a collection agency, the Agency shall be entitled to recover all costs of collection and associated fees incurred by the Agency in collecting the unpaid balance. In the event the Employee, as a result of illness or injury, becomes, for a temporary period of time, unable to perform his or her assigned job functions for which the advanced professional development training is utilized, repayment shall be deferred until the Employee is able to perform his or her assigned job functions. In the event the Employee, as a result of illness or injury, becomes permanently unable to perform his or her assigned job functions for which the advanced professional development training is utilized, repayment shall be waived.
5. This Agreement is the entire Agreement among the parties on the matters contained herein, and it may be modified only in writing signed by the parties. Any prior or contemporaneous promises, representations, or agreements related to the matters contained herein are revoked and waived. If any portion is held unenforceable for any reason, the remainder of the Agreement is deemed severable. This Agreement is governed by the laws of the State of West Virginia. The Employee and the Agency agree that jurisdiction and venue for all suits related to or arising out of this Agreement against the Agency shall be proper only in the Circuit Court of Kanawha

County.

6. The Employee acknowledges that s/he has read this Agreement and has had a reasonable period of time to consider it. The Employee further acknowledges that this is a binding legal document and that s/he was advised of his/her right to have it reviewed by independent counsel before signing it and that s/he understands all the terms of the Agreement and has voluntarily agreed to those terms.

IN WITNESS WHEREOF, the Employee and Agency execute this Agreement, effective the latest of dates set forth below.

Date

[signature]
(Type name)
Employee

Date

[signature]
(Type name)
For

Agency