

WEST VIRGINIA DEPARTMENT OF VETERANS AFFAIRS

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Veterans Affairs

Chapter 18-19  
Series I  
(1965)

By authority of Section 4, Article 1, Chapter 9-A, Code of West Virginia, as amended by Chapter 146, Acts of Legislature of 1945, the Rules and Regulations of the West Virginia Department of Veterans Affairs are hereby promulgated by the Veterans Council.

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Section 1. General Policies

1.01. All veterans who have served in the armed forces of the United States -- in the Army, Air Force, Navy, Marine Corps, or Coast Guard -- as defined by the United States, and whose separation therefrom has been other than dishonorable, and their widows, dependents and orphans who are, or have become, citizens and residents of this state, shall be entitled to and shall receive, the aid, assistance, counsel, and advice of this department with respect to their rights and interests under the laws of the United States, this state, or any other state, as provided by Article 1, Chapter 9-A, Code of West Virginia.

1.02. There shall be no distinction between persons of any race, creed, color, sex, or political affiliation, in the administration of this law.

1.03. No member of this department shall engage in the practice of law in connection with any claim. The Director shall call upon the State Attorney General, or the respective County Prosecuting Attorney, for such legal services as may be required to effect the purpose of this law.

1.04. The Director, the Deputy Directors, and such assistants as may be designated by the Director, shall have the right to be appointed by any person, as defined by this law, as the attorney-in-fact, or agent of such

person, under the terms and conditions required by the laws of the United States, the rules of any federal agency, the laws of this state, or any other state, in connection with the claim, or claims, of such person.

## Section 2. Duties of The Director

2.01. The Director shall be the Executive Secretary of the Council of the Department of Veterans Affairs, and, as such, shall arrange for all council meetings, recommending time and place, and shall be the custodian of all official records of the department.

2.02. The Council of the department shall be the governing body of the Department of Veterans Affairs, and, as such, formulate and promulgate all policies of the department. The Director is responsible to the Council for carrying out all policies set by the Council.

2.03. The Director is charged with the administrative responsibility of budget and fiscal matters of the Department, and is required to furnish to the Council reports and recommendations which deal with appropriations and expenditures.

2.04. The Council, with the recommendation of the Director, shall approve the employment of all Deputy Directors.

2.05. The Director shall recommend to the Council any changes in Rules and Regulations which appear to be advantageous to the department and to the veteran it serves.

2.06. It is the duty of the Director to see that employees of the department render service of the highest quality to citizens of the State of West Virginia and that all personnel have the ability, knowledge and fitness to efficiently, impartially, and with understanding effectuate the

purpose of this law. The Director shall be responsible for proper training of employees and shall hold refresher courses for such employees. Not less than two such training sessions shall be conducted each year.

### Section 3. Employment Policies

3.01. Deputy Directors shall be hired on the following basis:

(a) Applications for employment may be considered from persons who are not less than twenty-five (25) years of age, nor more than fifty (50) years of age at the time of his employment.

(b) All applicants must have been honorably discharged from a period of wartime service.

(c) All applicants must be recommended by the veterans organizations in the community in which he resides. Such recommendations must be made by an official duly authorized to represent the veterans organizations involved.

(d) All applicants will use the official state employment application. No applicant shall be considered for appointment until a properly executed employment application, together with recommendations from veterans organizations, as set forth in 3.01 (c), has been delivered to the Director of Personnel.

(e) No reference to political or religious affiliation shall be made in determining eligibility for employment.

(f) Applicant must be of good moral character and free of habits inconsistent with policies of the department.

(g) The appointment of all Deputy Directors employed shall be subject to the approval of the Council of the department.

(h) When an employee attains the age of sixty-five (65) years he shall be retired, however, in order to prevent the interruption of normal service to the area concerned, the Director may retain such employee beyond his sixty-fifth (65th) birthday only until such time as a suitable replacement can be obtained.

(i) The minimum starting salary for Deputy Directors shall be \$300.00 per month.

(j) Each Deputy Director shall maintain membership in each of the major veterans organizations for which he is eligible.

3.02. All secretarial and clerical employees shall be hired on the following basis:

(a) Applicants must be at least eighteen (18) years of age and not more than fifty (50) years of age.

(b) Preference will be given to ex-service personnel and widows of deceased ex-servicemen.

(c) All applicants will use the official state employment application form.

(d) No reference to political or religious affiliation shall be made in determining eligibility for employment.

(e) Applicant must be of good moral character and free of habits inconsistent with the policies of this department.

(f) The Deputy Director will be held responsible to the Director for the conduct and efficiency of the secretarial and clerical employees in his office.

(g) The minimum starting salary for secretarial and clerical employees shall be \$190.00 per month.

Section 4. Personnel

4.01. No employee of this department shall use, or be under the influence of alcoholic beverage while on duty. Excessive use of alcohol on the part of any employee during off duty hours shall be deemed to constitute a violation of this provision. Failure to comply with this regulation shall provide grounds for instant dismissal. Presentation of facts shall be made to the Director when a violation is charged.

4.02. No employee of the Department of Veterans Affairs shall engage in political activity of any nature whatsoever. This rule applies to both partisan party politics and the internal politics of any veterans organization. Failure to comply with this regulation is grounds for instant dismissal. Presentation of facts will be made to the Director when a violation is charged.

4.03. No employee of this department shall hold any elective office in any veterans organization, except an appointment to any non-remunerative office, or appointment as a member of a non-remunerative committee of any veterans organization of which he is a member, provided, however, that such participation does not interfere with his official duties with this department and that absence duly authorized from work shall be charged to annual leave. The Council believes that constant contact with veterans organizations by the personnel of this department will be beneficial to and will aid in maintaining a high efficiency of this department. Before accepting any appointment to any non-remunerative office or committee, the individual employee must receive the written permission of the Director. Upon written request of the Director, resignations must be made from any

such office or committee. Failure to comply with this regulation shall be grounds for dismissal.

4.04. All personnel shall be required to work a minimum of forty (40) hours per week.

All personnel of this department shall receive  $1\frac{1}{4}$  days annual leave for each month employed, which leave shall be cumulative not to exceed a total of more than thirty (30) days. NOTE: It is felt to be to the best interest of both the personnel and the department if annual leave is taken as earned each year and not permitted to accumulate to the maximum. Not only is it important from a health standpoint that personnel have a vacation from their daily chores and responsibilities but, in addition, heavy accumulations of leave in the case of resignations places a burden on our budget which we are not in position to assume. In addition to annual leave, all personnel shall be entitled to receive  $1\frac{1}{2}$  days sick leave each month. Sick leave shall be cumulative not to exceed a total of more than sixty (60) days. Any person claiming sick leave shall advise the head of his or her office by the most expeditious means within one hour of the time for reporting to work. Annual or sick leave may be taken on an hourly basis, a record of which shall be reported to and maintained by the Director. Any absence for which annual or sick leave is NOT granted shall be charged as absence without pay. Ordinarily, extended temporary leave without pay can NOT be granted, as experience has proven it to be unsatisfactory to both the temporary and permanent personnel.

Deputy Directors taking annual leave shall secure prior authorization from the Director. Secretaries taking annual leave shall

secure authorization from the Deputy Director in charge of the field office concerned.

Section 5. Office Procedures

5.01. In order to comply with administrative regulations of the State of West Virginia and to expedite the handling of veterans claims in a manner consistent with the responsibility with which we are charged, all personnel will comply with the uniform procedures as set forth in Department Office Procedures.

Future changes in office procedures necessary to adjust to constantly changing procedures of federal and state government will not constitute a change in these Department Regulations.