



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Saturday, June 28, 2014 2:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**West Virginia Department of Veterans Assistance
Cabinet Secretary Rick Thompson
1514B Kanawha Boulevard East
Charleston, West Virginia 25311**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-03



Rule Id: 9464



Document: 25818



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Redesignating the Division of Veterans' Assistance to the Department of Veterans' Assistance.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON
COSTS AND REVENUES OF STATE GOVERNMENT.**

There is no fiscal impact on the costs and revenues of the Department of Veterans Assistance.

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.0	0.0	0.0
PERSONAL SERVICES	0.0	0.0	0.0
CURRENT EXPENSES	0.0	0.0	0.0
REPAIRS AND ALTERATIONS	0.0	0.0	0.0
ASSETS	0.0	0.0	0.0
OTHER	0.0	0.0	0.0
ESTIMATED TOTAL REVENUES	0.0	0.0	0.0

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

none

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

none

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Veterans' Assistance Department of**
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **86-03**
RULE NAME **Operation of the Division of Veterans Affairs**

CITE AUTHORITY **W.Va. Code §9A-1-10**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND
STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Redesignating the Division of Veterans' Affairs as the Department of Veterans'
Assistance.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Cheryl Austin -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 86-03



Rule Id: 9464



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TITLE 86
PROCEDURAL RULE
DIVISION OF VETERANS AFFAIRS DEPARTMENT OF VETERANS
ASSISTANCE

SERIES 3
OPERATION OF THE DIVISION OF VETERANS AFFAIRS DEPARTMENT OF
VETERANS ASSISTANCE

§86-3-1. General.

1.1. Scope. -- These regulations establish the general rules, regulations and procedures of the ~~Division of Veterans Affairs~~ Department of Veterans Assistance and all its sub-elements.

1.2. Authority. -- W. Va. Code §9A-1-10.

1.3. Filing Date. -- February 20, 1992

1.4. Effective Date. -- March 22, 1992

1.5. 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 or 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 division with respect to their rights and interests under the laws of the United States, this state, or any other state, as provided by Chapter 9-A, 109, Code of West Virginia.

1.6. There shall not be any distinction between persons of any race, creed, color, sex, or political affiliation, in the administration of this law and these rules and regulations.

1.7. No member of this division shall engage in the practice of law in connection with any claim. The ~~Director~~ Secretary 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.

1.8. The ~~Director~~ Secretary, the Veterans Affairs Chief, and such assistants as may be designated by the ~~Director~~ Secretary, who are full-time employees of this agency, shall have the right to be

appointed by any veteran, spouse of veteran and survivors, as defined by Article 9A-1-1, to act as the claimants representative 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 filed by such persons.

§86-3-2. Duties of the ~~Director~~ Secretary.

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

2.2. The Veterans Council shall ~~be the governing body of the Division of Veterans Affairs~~ advise the Secretary on the general administrative policies of the Department of Veterans Assistance, and, as such, and make recommendation to formulate and promulgate all policies of the division. ~~The Director is responsible to the Council for carrying out all policies formulated by said Council.~~

2.3. The ~~Director~~ Secretary is charged with the administrative responsibility for all budget and fiscal matters of the ~~division~~ Department, and ~~is required to~~ may furnish to the Veterans Council reports and recommendations as necessary which deal with appropriations and expenditures.

~~2.4. The Director will recommend to the Veterans Council for their consideration any changes in these rules and regulations deemed appropriate to the division and to the veterans it serves for approval prior to implementation.~~

2.5. It is the responsibility of the ~~Director~~ Secretary to see that all employees of the ~~Division~~ Department render service of the highest quality to the veterans, dependents or survivors 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 regulation. The ~~Director~~ Secretary shall be responsible for proper training of employees and shall hold refresher courses for such employees as deemed necessary.

§86-3-3. Employment Policies.

3.1. All employees except the ~~Director~~ Secretary and the Administrator of the Barboursville Veterans Home will be employed in accordance with State Division of Personnel rules and regulations.

3.2. No appointing authority shall influence or attempt to influence the employment or working conditions of ~~his/her~~ his or her relatives. It shall be the responsibility of the appointing authority to administer the employment of relatives of any agency employee in a consistent and impartial manner. No employee shall directly supervise a relative. More specifically, no employee shall review or audit the work of a relative, take part in discussions concerning employment, assignment, compensation, discipline or related matters involving a relative. In the event that an individual, through marriage, adoption, etc. is placed in a prohibited business relationship with a relative, the situation must be resolved within thirty (30) calendar days. Resolution may be made by transfer, reassignment, resignation, dismissal, etc. of one of the involved employees.

§86-3-4. Personnel.

4.1. In accordance with Article XVI of the Division of Personnel regulations, all employees of the ~~Division of Veterans Affairs~~ Department of Veterans Assistance are prohibited from engaging in political activities.

4.2. No employee of this ~~division~~ Department shall hold any elective office in any veterans organization, however, an appointment to serve in a non-remunerative office, or appointment as a member of a non-remunerative committee of any veterans organization of which he or she is a member is permissible provided that such participation does not interfere with ~~his/her~~ his or her official performance ~~of~~ with this division Department and that any absence in conjunction with said appointment must be duly authorized from work and will be charged to annual leave. The Veterans Council believes that constant contact with veterans organizations by the personnel of this division will be beneficial to and will aid in maintaining a high degree of efficiency between said veterans organizations and this division. Before accepting an appointment to any non-remunerative office or committee, the individual employee must submit a written request, through channels, to the ~~Director~~ Secretary.

4.3. Dress Code

The public judges the ~~Division of Veterans Affairs~~ Department of Veterans Assistance by its employees as well as its services. You, as the first line of contact who the public sees, should endeavor to be neatly groomed to present a professional appearance. Veterans ~~Affairs~~ Assistance Officers will be required to dress in appropriate attire, coat (~~it~~ if attending a meeting), tie and dress trousers (no jeans). Mustache/beard, if worn, must be neatly trimmed. Clerks

will be required to wear appropriate attire (no jeans). When out in public, coats/jackets will be worn as well as ties. (Exemption on coats during summer weather). This code, is not to harass, but to ensure you are a professional who takes pride in his work and himself.

4.4. Office Etiquette

(a) Veterans ~~Affairs~~ Assistance Officers:

1. Courtesy: The only reason for your position existing within the division is to help that veteran, his or her widow/widower, or his or her orphan, with their respective problem regarding veterans benefits. You should, therefore, be extremely courteous to the people at all times. You may have a quantity of veterans problems, but to the person requesting your assistance, you have only one important problem, which is ~~his/her~~ his or her problem.

2. Interviews: Take time to ascertain what your claimant desires. Explain to that person what he or she may expect from your office. Make very sure, he or she understands we are the State ~~Division of Veterans Affairs~~ Department of Veterans Assistance and that you are not in the employ of the federal agency, US Department of Veterans Affairs. Make doubly sure that the claimant understands that you personally, or the ~~division~~ Department in general, do not grant monetary benefits or make the decisions granting VA compensation or pension. Take time to explain your role as an accredited representative. Always remember, you have a Veterans Affairs Chief who will assist you with any problem you need assistance with, and if he or she personally does not have an answer for you, he or she will obtain the information you need. Never guess at an answer, if you are not sure, be truthful, then take time to look up the answer. If you impart wrong information, it could possibly cost the claimant hundreds of dollars in benefits, as well as it may reflect on you, and become a subject of embarrassment later.

3. Office and Itinerant Hours: Maintain your office hours as posted. Keep your itinerant hours as scheduled. In case of an emergency that requires cancellation make sure that both the itinerant point and the administrative office are advised. Be on time at your scheduled itinerant, if you have car trouble which will make you arrive late, be sure and telephone your itinerant contact and let them know.

4. Public Relations: Become known in your area. Become acquainted, not only with the various veterans service organizations

in the communities you serve, but to other civic, fraternal and state and county service organizations, such as Employment Security, Welfare, and the local medical profession. These contacts will make your job much easier.

(b) Clerks:

Answer your telephone by saying State ~~Division of Veterans Affairs~~ Department of Veterans Assistance, "Good Morning" or "Good Afternoon", whatever the case might be and add "May I help you?". Always be very courteous both in your telephone conversations and in your personal office contacts. Usually, you will make the first impression, and your personality will generally reflect the personality of your office. When your "Boss" is out of the office on business, know where he or she is and when he or she may be expected to return.

4.5. Attendance and Leave

(a) Attendance and leave of all employees of this ~~division~~ Department shall be applied in accordance with Appendix A of these regulations.

(b) All employees will have their annual leave request approved by their immediate supervisor in advance of the desired absence.

§86-3-5. Office Procedures.

5.1. 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 ~~Division~~ 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 ~~Division~~ Department Regulations.