

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

FILED
SEP 22 4 03 PM '97
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: STATE AUDITOR TITLE NUMBER: 155-3

CITE AUTHORITY 12-3-13B

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 NEW RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: STANDARDS FOR VOLUNTARY
PAYROLL DEDUCTIONS

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Paul D Mallohan
Authorized Signature

\$2.80

STANDARDS FOR VOLUNTARY PAYROLL DEDUCTIONS

FILED

SEP 22 4 03 PM '11

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§155-3-1. General

- 1.1 **Scope:** This rule authorizes the State Auditor to regulate and grant approval of requests for voluntary payroll deductions from salaries of State officers and employees.
- 1.2 **Authority:** This rule is issued under authority of West Virginia Code §12-3-13b.
- 1.3 **Filing Date:**
- 1.4 **Effective date:**

§155-3-2. Definitions

- 2.1 **Employee Association:** An association related to the employee's type of work or the type of agency where the employee is employed and where participation in the employees association would be beneficial to the individual as an employee or to the employee's agency.
- 2.2 **First Pay Period:** The first pay period is from the first day of the month to the fifteenth day of the month in a thirty-day month, the sixteenth day of the month in a thirty-one day month or the fourteenth day of the month in February. If the pay date falls on a Saturday, Sunday or a State holiday, the payday is moved to the last working day of the pay cycle.
- 2.3 **Payroll Deduction:** Any amount subtracted from an employees salary, either voluntarily or as mandated by the Federal Government, State Government or a Court of appropriate jurisdiction.
- 2.4 **Second Pay Period:** The second pay period is through the last day of the month from the sixteenth day of the month in a thirty day month, the seventeenth day of the month in a thirty-one day month or the fifteenth day of the month in February. If the pay date falls on Saturday, Sunday or a State holiday, the payday is moved to the last working day of the pay cycle.
- 2.5 **Charitable Organization:** A non-profit organization that solicits monies for a particular cause. The organization must be approved by the West Virginia State Employees Combined Campaign and registered with the Secretary of State.
- 2.6 **Commercial Organization:** A commercial organization or company that offers services to an employee for a premium or fee.

§155-3-3. State Auditor's Office Responsibilities

- 3.1 West Virginia Code §12-3-13b authorizes any officer or employee of the State of West Virginia to request from the Auditor that a voluntary deduction be made from his or her wages for membership in an employee association and for supplemental life and health insurance. It also permits the Auditor to authorize and approve voluntary other deductions.
- 3.2 The State Auditor's Office shall have on file copies of the employee's signed authorization for payroll deductions for employee associations, supplemental life and health insurance, or other voluntary deductions.
- 3.3 Approval by the Auditor of plans or documents submitted by employees for participation in voluntary payroll deductions shall not be construed to impose a fiduciary duty upon either the Auditor or the State of West Virginia. Financial support for participation in the plans shall be drawn from voluntary payroll deductions from participating employees and the voluntary payroll deduction does not create an obligation upon State funds or revenues. Resolution or settlement of disputes or losses between participating employees, associations and organizations offering approved plans shall be handled by the appropriate regulatory agency as designated by law. This rules does not prohibit private actions brought by employee participants against an employee association or a commercial organization.

§155-3-4. Method of Deductions

- 4.1 A state officer or employee may elect to take 1) one hundred percent of a voluntary deduction during the first pay period of the month, 2) one hundred percent of the voluntary deduction during the second pay period of the month, or 3) the deduction split equally between the two pay periods of the month.

§155-3-5. Request for Voluntary Deductions

- 5.1 To request a voluntary deduction for membership in an employee association, supplemental life and health insurance or approved voluntary other deductions, a officer or employee shall complete the form prescribed by the Auditor and submit the completed form to the Auditor.

§155-3-6. Method of Determining Eligibility for Voluntary Deductions

6.1 Employee Associations

An employee association representing state officers and employees who want to authorize a voluntary deduction shall submit the following information to the Auditor: the name and address of the employee association; the function of the employee association; and the number of employees committed to enrollment. The

employee association must have at least 50 employees enrolled, and those employees must be from at least two state agencies. The Auditor shall determine if the employee association meets the requirements of Subsection 2.1 of this rule and of this subsection. If the employee association meets the requirements of this rule, the Auditor shall process any authorized voluntary deductions for that employee association.

6.2 Other Deductions

6.2.a Charitable Organizations

- 6.2.a.1 The Auditor shall authorize and approve voluntary deductions from a state officer or employee's net wages for contributions to a charitable organization as defined in Subsection 2.5 of this rule: Provided, That the charitable organization has at least 50 state employees enrolled and the enrolled employees are from at least two state agencies.
- 6.2.a.2 An eligible charitable organization or a state officer or employee may request that the Auditor make a voluntary deduction for a charitable contribution. If the charitable organization meets the requirements of this rule, the Auditor shall process any authorized voluntary deduction for that charitable organization.

6.2.b Commercial Organizations

- 6.2.b.1 The Auditor shall authorize and approve voluntary deductions from a state officer or employees net wages for the payment of premiums or fees to a commercial organization as defined in Subsection 2.6 of this rule: Provided, That the commercial organization has at least 50 state employees enrolled and the enrolled employees are from at least two state agencies.
- 6.2.b.2 An eligible commercial organization or a state officer or employee may request that the Auditor make a voluntary deduction for a premium or fee for services. If the commercial organization meets the requirements of this rule, the Auditor shall process any authorized voluntary deduction for that commercial organization.



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SEP 22 10 19 AM '97

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

State Capitol - Room MB-49
Charleston, West Virginia 25305
(304) 347-4840

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator: Mike Ross, Co-Chairman
Delegate: Mark Hunt, Co-Chairman
Counsel: Debra A. Graham

September 15, 1997

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NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Paul Mollohan
State Auditor
Building I - Room W-100
State Capitol Complex
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: *Standards for Voluntary Payroll Deductions (155CSR3)*

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.