

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

APR 2 3 02 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: West Virginia State Auditor's Office TITLE NUMBER: 155

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB329

SECTION 64-9-5(b), PASSED ON 3/14/98

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: 4/2/98

Paul S. Mallory

\$2.80



State of West Virginia
OFFICE OF THE STATE AUDITOR
CHARLESTON 25305

GLEN B. GAINER, III
STATE AUDITOR

PAUL S. MOLLOHAN
CHIEF CLERK

April 2, 1998

Judy Cooper
Director, Administrative Law
Secretary of State
Charleston, WV 25305

Dear Ms. Cooper:

As your requested, the promulgation history of the Standards for Voluntary Payroll Deductions rule, Title 155, Series 3, is follows:

Submitted for public comment 6/24/97
Comment period ended 07/25/97
Approved by Legislature SB 329 3/14/98

If you have any questions, please call.

Sincerely,

A handwritten signature in cursive script that reads "Paul S. Mollohan".

Paul S. Mollohan
Chief Clerk

OFFICE OF THE STATE AUDITOR

STANDARDS FOR VOLUNTARY PAYROLL DEDUCTIONS

§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 rule 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.

KEN HECHLER
Secretary of State

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Deputy Secretary of State

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Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

March 12, 1996

Paul S Mollohan
Auditors
Bldg 1 Rm W-100
Charleston, WV 25305

SB 329 authorizing, **Title 155, Series 03, Standards For Voluntary Payroll Deductions** passed the Legislature on **March 14, 1998**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **SB 329** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 329 Section 64-9-5(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. **If the agency fails to return this within ten (10) working days, the rule WILL be filed in the data base with a disclaimer attached stating that the agency failed to review the rule.** Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division