

west virginia  
DIVISION OF PERSONNEL

Sheryl R. Webb, Director  
Allan L. McVey, Cabinet Secretary

**MEMORANDUM**

**TO:** Members of the State Personnel Board

**FROM:** Sheryl R. Webb, Director  
Division of Personnel

**DATE:** July 22, 2021

**RE:** Proposed Amendments to the *Administrative Rule of the West Virginia Division of Personnel*

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Your approval is requested for the filing of the agency-approved amendments to the *Administrative Rule of the West Virginia Division of Personnel*, W. VA. CODE R. § 143-1-1 *et seq.*, with the Legislative Rule-Making Review Committee and the Secretary of State's Office.

In accordance with the provisions of W. VA. CODE § 29A-3-1 *et seq.*, a copy of the proposed amendments and notice of public comment were filed with the Secretary of State's Office with notice also provided to state agencies and other interested parties.

No changes were made to the proposed amendments based on the comments received during the Public Comment period. However, since the initial filing with the Secretary of State's Office, DOP staff have proposed additional revisions and technical corrections. Included with your materials is a draft response to the written comment received and a summary of the newly proposed revisions to be presented to the Legislative Rule-Making Committee.

Thank you for your consideration of this request.

APPROVED: 

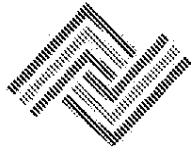
Allan L. McVey, Chairman  
State Personnel Board  
July 22, 2021

SRW/kln  
Attachments

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DIVISION OF PERSONNEL

Sheryl R. Webb, Director  
Allan L. McVey, Cabinet Secretary

July 22, 2021

Elizabeth J. Cooper, CPA  
Assistant Director, Purchasing Division

Delivered by Email: [Elizabeth.J.Cooper@wv.gov](mailto:Elizabeth.J.Cooper@wv.gov)

Dear Ms. Cooper:

As Director of the West Virginia Division of Personnel, I wish to thank you for taking the time to review and comment on the proposed amendments to the *Administrative Rule of the West Virginia Division of Personnel*, W. VA. CODE R. § 143-1-1 *et seq.*

The Division of Personnel will take your attached comments into account as we work to edit and submit the final version of our rule to the Legislative Rulemaking Review Committee.

Again, thank you for your participation in the process to revise the Rule.

Sincerely,

Sheryl R. Webb  
Director

Attachment

SW/kn

2021 Public Comment on proposed amendments to the *Administrative Rule of the West Virginia Division of Personnel*, W. VA. CODE R. § 143-1-1 et seq.

From: Cooper, Elizabeth J <Elizabeth.J.Cooper@wv.gov>  
Sent: Friday, June 4, 2021 9:12 AM  
To: Nice, Kerri L <Kerri.L.Nice@wv.gov>  
Subject: Public Comment Period

4.3. Incumbents of Reallocated Positions. – When a position is reallocated to a different class, the Board shall not consider the incumbent eligible to continue in the position unless he or she would have been eligible for original appointment, promotion, transfer, or demotion, to a position of the new class while serving in the position as previously allocated. The Director, in cooperation with the appointing authority may use his or her discretion in allowing work experience at the appointing agency to substitute for the training requirement on a year-for-year basis. If ineligible to continue in the position, he or she may be transferred, promoted, or demoted by appropriate action in accordance with the provision of this rule as the Director may determine to be applicable. In any case in which the incumbent is ineligible to continue in the position, and he or she is not transferred, promoted or demoted, the provisions of this rule regarding separations applies.

I suggest that the highlighted changes above be considered. I have been a State employee for 18 years and I have been in management the majority of that time. I am currently an agency head. Changing the section above will allow agency heads the ability to promote and retain their best employees. In addition, the change could potentially save the State and tax payers millions of dollars. I have degrees in business, economic and accounting. I am a CPA with years of public experience in addition to all of my experience in government. I would love the opportunity to present supporting documentation to the Personnel Board if that would help in have the suggested change considered.

Elizabeth J. Cooper, CPA  
Assistant Purchasing Director  
WVSASP  
304-356-2425