

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

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JUL 17 3 34 PM '95

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: EMPLOYEE SUGGESTION AWARD BOARD TITLE NUMBER: 147

RULE TYPE: Procedural; CITE AUTHORITY \_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Governing the Operation of the  
West Virginia Public Employee Suggestion Program

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: Suggestions with Statewide Application  
s147-1-10

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 17th AT 5:00 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Belinda Summers-Eggleston  
Legislative Services  
Building 1, Room E-132  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610

THE ISSUES TO BE HEARD SHALL BE  
LIMITED TO THIS PROPOSED RULE.

*Aaron Albee*

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## APPENDIX B

### FISCAL NOTE FOR PROPOSED RULES

Rule Title: Suggestions with statewide application  
 Type of Rule: Legislative Interpretive X Procedural  
 Agency: Employee Suggestion Award Board  
 Address: Legislative Services, Bldg. 1, Room E-132  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610

#### 1. Effect of Proposed Rule

|                             | ANNUAL FISCAL YEAR |          |         |      |           |
|-----------------------------|--------------------|----------|---------|------|-----------|
|                             | DECREASE           | DECREASE | CURRENT | NEXT | HEREAFTER |
| <u>ESTIMATED TOTAL COST</u> | \$ 0               | \$ 0     | \$ 0    | \$ 0 | \$ 0      |
| PERSONAL SERVICES           | 0                  | 0        | 0       | 0    | 0         |
| CURRENT EXPENSE             | 0                  | 0        | 0       | 0    | 0         |
| REPAIRS & ALTERATIONS       | 0                  | 0        | 0       | 0    | 0         |
| EQUIPMENT                   | 0                  | 0        | 0       | 0    | 0         |
| OTHER                       | 0                  | 0        | 0       | 0    | 0         |

#### 2. Explanation of above estimates:

**3. Objectives of these rules:** If the Board and department head determine that the suggestion may apply to other departments or to all state departments, they shall forward the suggestion to the governor along with the results of implementation of the suggestion with their recommendation that the governor forward the suggestion to other relevant government departments.

Rule Title: Suggestions with statewide application

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. -0-

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens. -0-

C. Economic Impact on Citizens/Public at Large. -0-

Date: July 17, 1995

Signature of Agency Head or Authorized Representative

John R. Hamburg

Summary:

To amend and reenact Title 147, of the procedural rules of Employee Suggestion Award Board and therefore adding a new section s147-1-10, 10.1 10.2 to allow the Board and department head to determine that a suggestion may apply to other departments or to all state departments they shall forward the suggestion to the governor along with the results of implementation of the suggestion with their recommendation that the governor forward the suggestion to other relevant government departments.

FILED

<<147 CSR-1>>

TITLE 147  
PROCEDURAL RULES  
EMPLOYEE SUGGESTION AWARD BOARD

JUL 17 3 34 PM '95  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 1  
RULES ~~AND REGULATIONS~~ GOVERNING THE OPERATION OF  
THE WEST VIRGINIA PUBLIC EMPLOYEE SUGGESTION PROGRAM

§147-1-1. General.

1.1. Scope. -- ~~The regulations establish This rule establishes general rules procedures for the submission, review and processing for a possible honorary or cash award of suggestions by employees of the State of West Virginia to the Employee Suggestion Award Board to cause substantial savings or improvement in state government operations. Employees may receive an honorary or cash award for adopted suggestions.~~

1.2. Authority. -- W. Va. Code §5A-1A-3

1.3. Filing Date.

1.4. Effective Date.

§147-1-2. Preamble - The West Virginia Public Employee Suggestion Program.

2.1. Purpose. -- ~~The primary goal of article one-a, chapter five-a of the West Virginia Code 5A-1A-et. seq. is to establish the Employee Suggestion Award Program for employees of state government. Under this program, the Board will make cash or honorary awards will be made to state employees whose adopted suggestions will result in substantial savings or improvement in state government operations.~~

The specific objectives of the program are to:

(a) Stimulate creative and innovative thinking by state government employees;

(b) Develop a climate in state government which motivates employees to submit their ideas and suggestions for improvements;

(c) Provide an impartial review and evaluation of employee suggestions by persons qualified to judge their merits; and

(d) Ensure that meritorious suggestions are appropriately rewarded and ensure that appropriate recognition is given to the employee.

§147-1-3. Definitions.

3.1. Employee Suggestion Award Board. -- "Employee Suggestion Award Board" means a Board consisting of the Commissioner of Finance and Administration, ~~the~~ Commissioner of the Department of Labor, ~~the~~ Commissioner of the Department of Employment Security, the President of the State Senate, the Speaker of the House of Delegates, one (1) member of the Senate appointed by the President of the State Senate and one (1) member of the House of Delegates appointed by the Speaker of the House of Delegates.

3.2. Department head. -- "Department Head" means the official in charge of a particular state government department or agency. The department head ~~will~~ appoint the idea counselor and departmental awards committee for that department or agency.

3.3. Idea counselor. -- "~~Idea Counselor~~" means the person who coordinates and administers the Employee Suggestion Program within a state department or agency.

3.4. Departmental awards committee. -- "~~Departmental Awards Committee~~" means a group of employees appointed by the department head in a particular department or agency to evaluate and process employee suggestions for that department or agency.

#### **§147-1-4. Responsibility Of The Employee Suggestion Award Board.**

4.1. The establishment, ~~the~~ administration, ~~the~~ execution and enforcement of ~~article one-a, chapter five-a of the~~ West Virginia Code §5A-1A-1 et. seq. and policies and rules and ~~Regulations~~ of the Employee Suggestion Program ~~shall be~~ are the responsibility of the Employee Suggestion Award Board.

4.2. ~~The installation and maintaining of any necessary recordkeeping systems, The Board shall install and maintain any necessary record keeping systems, the establishment establish and promotion of promote an adequate employee and public information program, the periodic analyzation of periodically analyze the effects of the Employee Suggestion Program and the preparation of prepare an annual report to the Governor are the responsibility of the Employee Suggestion Award Board.~~

#### **§147-1-5. Eligible Employees.**

5.1. Any state employee who is eligible for membership in a state retirement program is eligible to participate in the Employee Suggestion Award Program except as described in Section 5.2 and in Section 6 ~~below of this rule~~. Temporary and part-time state employees, even though not eligible for membership in a state retirement program, are, nevertheless, eligible to participate in the Employee Suggestion Award Program.

5.2. Employees whose primary duties concern administrative planning and research, or whose normal duties include the making of

suggestions, or who are expected as part of their job to develop ideas for improvement and to act upon them, are eligible for an award only for those suggestions not related to their areas of responsibility.

5.3. Any former state employee who has submitted an employee suggestion prior to the termination of the employee's employment is still eligible for an award.

#### **\$147-1-6. Ineligible Employees.**

6.1. ~~No~~ The Board may not make an award ~~may be made~~ to any employee for any suggestion which would be expected from the performance of the employee's normal duties and responsibilities and which the employee has the authority to implement.

6.2. The Board may not give an award to a supervisory ~~Supervisory employee personnel may not be given an award~~ for a suggestion if the employee has the authority to implement ~~the~~ his or her employee's own suggestion unless the suggestion has application ~~also~~ to units other than the supervisor's unit.

6.3. ~~No~~ The Board may not make an award ~~may be made~~ to any employee whose primary duty is research, planning, investigation or management analysis and evaluation unless the suggestion concerns a matter which is clearly unrelated to the employee's current assignment or primary duty.

6.4. Employees serving, as a part of the Employee Suggestion Award Program, on any departmental awards committee, subcommittee or ad hoc committee are not eligible for awards for suggestions falling within the scope of the agency's functions and responsibilities, unless the employee steps down from the employee's responsibilities as a member of the departmental awards committee, subcommittee or ad hoc committee while the employee's suggestion is being considered by the departmental awards committee.

6.5. The Board shall not give an award to an employee whose suggestion relates to a special problem specifically assigned to the employee for solution, ~~cannot be given an award~~ unless the suggestion has broad application, surpassing the scope of the assignment.

6.6. Normally, the Board may not make cash awards ~~may not be made~~ to any employee associated with the Employee Suggestion Award Program. Under special circumstances, the Board may authorize exceptions and in all such cases, the employee must disqualify himself or herself from making any evaluations or recommendations regarding ~~the employee's~~ his or her suggestion.

6.7. Former state government employees are not eligible to submit suggestions for award after their employment has terminated.

6.8. Any state employee convicted of a felony connected with state government employment is not eligible for an award.

**§147-1-7. Eligible Suggestions.**

7.1. Any suggestion which is useful, practical and constructive and is of benefit to the state is eligible for an award.

7.2. A suggestion may involve an entirely new idea, improvement of an existing process or activity or an application of an old idea which can be adopted to the state's benefit.

7.3. If a suggestion is modified by the Board or any implementing agency, the employee ~~will~~ remains eligible for an award.

7.4. If a suggestion is responsible for stimulating activity on the part of supervisors or management and results in improvements, the suggestion may be eligible for an award even though it may not have been implemented as specified in the suggestion.

**§147-1-8. Ineligible Suggestions.**

The following suggestions are ineligible for awards:

8.1. Personal grievances;

8.2. Suggestions concerning classification and pay of positions;

8.3. These Suggestions which do not propose a specific method or procedure for implementing the suggestion;

8.4. These Suggestions which correct conditions that exist only because established policy and procedures are not being followed;

8.5. These Suggestions which duplicate another suggestion previously submitted and eligible for consideration or for which an award has been previously granted or denied;

8.6. These Suggestions which simply suggest eliminating, instituting, lowering or raising fees or taxes levied by the state;

8.7. These Suggestions concerning matters which are the result of assigned or contracted audits, studies, surveys, reviews or research, unless the suggestion idea is not directly included in the follow-up, recommendations or activity generated by these efforts;

8.8. These Suggestions calling attention to the need for routine maintenance operations involving buildings, grounds,

equipment, etc., which should normally be reported through established channels: Provided, That suggestions concerning improvements in maintenance methods, materials or equipment may be considered for an award;

8.9. Matters recommended outside the Employee Suggestion Program for study or review; and

8.10. These Suggestions concerning matters which are actively being considered by supervision or management. (Note: Supporting documentation should be available from management when a suggestion is ruled ineligible under this provision.) The department head shall submit supporting documentation to the Board, before the Board rules a suggestion ineligible under this provision.

**\$147-1-9. Submission And Processing Of Suggestion.**

9.1. The department head, if a small agency, may perform duties of idea counselor and departmental awards committee if approved by the Board.

9.2. The completed suggestion should be submitted by the employee as soon as possible after it is documented, preferably before any attempt is made to implement it. All suggestions should be submitted to the idea counselor in the agency where the employee is employed.

9.3. If an employee wishes to submit a suggestion involving another agency, the employee ~~would~~ shall still submit the employee suggestion form to the idea counselor in the employee's agency. The idea counselor ~~will~~ shall send the employee suggestion to the department head who ~~will~~ shall promptly forward the employee suggestion to the department head in the other agency for processing by that agency.

9.4. The idea counselor ~~will~~ shall forward all employee suggestions to the departmental awards committee, ~~It is here that where~~ the evaluation process begins.

9.5. Each departmental awards committee, upon receiving the suggestion, ~~will~~ shall conduct a thorough and objective analysis of the suggestion and ~~will~~ shall prepare and forward an evaluation report with recommendations to the idea counselor. The departmental awards committee ~~will have~~ shall evaluate each suggestion within a maximum of thirty (30) days from the date of receipt of the suggestion ~~to evaluate each suggestion.~~

9.6. The idea counselor ~~will~~ shall examine the employee suggestion and review the recommendations of the departmental awards committee. After thorough examination of the employee suggestion, the idea counselor ~~will~~ shall submit a recommendation and the employee suggestion form to the department head.

9.7. The department head ~~will~~ shall examine the employee suggestion and review the recommendations of the departmental

awards committee and the idea counselor. Next, the department head ~~will~~ shall estimate the savings that reasonably can be expected to result from implementing the employee suggestion for a fiscal year or twelve (12) consecutive months. The department head ~~will~~ shall submit a recommendation and the employee suggestion form to the Employee Suggestion Award Board.

9.8. The Employee Suggestion Award Board ~~will~~ shall examine the employee suggestion and review the recommendations of the departmental awards committee, ~~the~~ idea counselor and the department head. The Board shall approve or disapprove all employee suggestions. For all ~~disapproved~~ denied suggestions, the Board shall include in the notification will include a full explanation of the reason or reasons for ~~rejection~~ denial. The Board shall complete all ~~All~~ evaluations and processing ~~required by the Board will be completed~~ within sixty (60) calendar days from the date of receipt by the Board of the suggestion.

9.9. When the Board has acted on a suggestion and has either approved or ~~rejected~~ denied it, the Board will communicate with the department head and the employee who made the suggestion, advising of the Board's action. If the Board adopts the suggestion, it will request the department head, and the department head ~~will~~ shall, implement the suggestion for one (1) fiscal year or for twelve (12) consecutive months. Thereafter the department head ~~will~~ shall report as soon as possible to the Board on the results of the implementation, including whether there was a substantial savings or improvement in state government operations and the estimated savings, if any, resulting from the implementation. The Board ~~will~~ shall review results of the implementation and decide whether or not it shall make an award ~~will be made~~ and if the award is to be cash or honorary. If a cash award is made, the Board ~~will~~ shall make the award as provided by WV Code §5A-1A-4.

§147-1-10.     Suggestions with state-wide application.

10.1. The Board shall, after making an award for a suggestion which resulted in substantial savings or improvement in state government operations for a specific department, determine, in conjunction with the department head, if the suggestion could result in substantial savings or improvement in state government operations for other departments or on a state-wide basis. If the Board and the department head determine that the suggestion may apply to other departments or to all state departments, they shall each forward the suggestion to the Governor, along with the results of the implementation of the suggestion and their recommendation that the Governor forward the suggestion to other relevant departments or to all state government departments.

10.2. If the Governor determines that the suggestion would result in substantial savings or improvement in government operations on a state-wide basis or in specific agencies or departments, he or she shall forward the suggestion to all relevant

departments and agencies.

**\$147-1-10 11. Annual Report.**

~~1011.1.~~ The Employee Suggestion Award Board ~~will~~ shall prepare an annual report to the Governor.