

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

AGENCY: Employee Suggestion Award Board TITLE NUMBER: 147

RULE TYPE: Procedural CITE AUTHORITY: W. Va. Code §5A-1A-3

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 01

TITLE OF RULE BEING AMENDED: RULES GOVERNING THE OPERATION OF THE WEST VIRGINIA PUBLIC
EMPLOYEE SUGGESTION PROGRAM

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 May 20, 2009 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Employee Suggestion Award Board

Attn: Denny Rhodes
Building 1, Room W-314

1900 Kanawha Blvd. East
Charleston, WV 25305-0610

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

Harriet M. Fitzgerald
Robert W. Ferguson, Jr. /dl
Authorized Signature

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

**TITLE 147
PROCEDURAL RULES
EMPLOYEE SUGGESTION AWARD BOARD**

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**SERIES 1
RULES GOVERNING THE OPERATION OF
THE WEST VIRGINIA PUBLIC EMPLOYEE SUGGESTION PROGRAM**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§147-1-1. General.

1.1. Scope. -- This rule establishes general procedures for the submission, review and processing 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. -- ~~December 3, 2004.~~

1.4. Effective Date. -- ~~January 7, 2005.~~

§147-1-2. Purpose and Objectives of the West Virginia Public Employee Suggestion Program.

2.1. Purpose. -- The primary goal of W. Va. 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 to state employees whose adopted suggestions result in substantial savings or improvement in state government operations.

2.2. 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 that appropriate recognition is given to the employee.

§147-1-3. Definitions.

3.1. "Employee Suggestion Award Board" or "Board" means the Board created by W. Va. Code §5A-1A-2.

3.2. "Department Head" means the official in charge of a particular state government department

or agency.

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

~~3.4. "Departmental awards committee" means a group of employees appointed by the department head in a particular department or agency to evaluate and process an employee suggestion.~~

§147-1-4. Responsibility of the Employee Suggestion Award Board.

4.1. The establishment, administration, execution and enforcement of W. Va. Code §5A-1A-1, et. seq., and policies and rules of the Employee Suggestion Program are the responsibility of the Employee Suggestion Award Board.

4.2. The Board shall install and maintain any necessary record keeping systems, establish and promote an adequate employee and public information program, periodically analyze the effects of the Employee Suggestion Program and prepare an annual report to the Governor.

§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 of these rules. Temporary and less than one-half full-time equivalent part-time state employees, 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. The Board may not make an award to any employee for any suggestion which would be expected from the performance of the employee's normal duties and responsibilities.

6.2. The Board may not give an award to a supervisory employee for a suggestion made by a subordinate employee if the supervisory employee has the authority to implement the suggestion. The Board may not give an award to a supervisory employee for a suggestion if the supervisory employee has the authority to implement the suggestion, unless the suggestion has application to units other than the supervisor's unit.

6.3. The Board may not make an award 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 ~~6.4.~~ The Board may not give an award to an employee whose suggestion relates to a special problem specifically assigned to the employee for solution, unless the suggestion has broad application surpassing the scope of the assignment.

6.6 ~~6.5.~~ Normally, the Board may not make cash awards 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 his or her suggestion.

6.7 ~~6.6.~~ Former state government employees are not eligible to submit suggestions for award after their last work day.

6.8 ~~6.7.~~ Any state employee convicted of a felony connected with state government employment is not eligible for an award.

6.8 The Board may consider an employee ineligible for an honorary or monetary award if the employee is involuntarily terminated as a result of misconduct related to his or her employment.

6.9 The Board may postpone reviewing a suggestion if the employee is under suspension or investigation for misconduct as a result of conduct related to his or her employment.

§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, unless it is ineligible under the provisions of section 8 of these rules.

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 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 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. Suggestions which do not propose a specific method or procedure for implementing the suggestion;
- 8.4. Suggestions which correct conditions that exist only because established policy and procedures are not being followed;
- 8.5. Suggestions which duplicate another suggestion previously submitted and eligible for consideration or for which an award has been previously granted or denied;
- 8.6. Suggestions which simply suggest eliminating, instituting, lowering or raising fees or taxes levied by the state;
- 8.7. 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. 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. Suggestions concerning matters which are actively being considered by supervision or management. 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 may appoint an idea counselor and departmental awards committee for his or her department or agency. An ad hoc departmental awards committee may be appointed to evaluate and process an individual suggestion. The department head may perform duties of idea counselor and departmental awards committee.~~

9.2 9.1. The A 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~~ Board.

~~9.3. If an employee wishes to submit a suggestion involving another agency, the employee shall still submit the employee suggestion form to the idea counselor in the employee's agency. The idea~~

~~counselor shall send the employee suggestion to the department head who shall promptly forward the employee suggestion to the department head in the other agency for processing by that agency.~~

9.4 ~~9.2.~~ The idea counselor Board shall forward all employee suggestions he or she it receives to the departmental awards committee where the evaluation process begins appropriate department head, or heads, unless the suggestion is clearly ineligible. If the Board finds a suggestion is clearly ineligible it shall return it to the employee, including a statement describing why the suggestion is ineligible.

9.5 ~~9.3.~~ Each departmental awards committee The department head, upon receiving the suggestion, shall conduct a thorough and objective analysis of the suggestion and prepare and forward an evaluation report. with recommendations to the idea counselor. The departmental awards committee The department head shall evaluate each suggestion and submit the evaluation report to the Board within a maximum of thirty (30) 60 days from the date of receipt of the suggestion.

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

9.7 ~~9.4.~~ The department head shall examine the employee suggestion and review the recommendations of the departmental awards committee and the idea counselor. Next, the department head The report shall include an estimate of 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 shall submit and a recommendation as to whether the Board should make an award, and The department head shall also return the employee suggestion form to the Employee Suggestion Award Board.

9.8 ~~9.5.~~ The Employee Suggestion Award Board shall examine the employee suggestion and review the recommendations of the departmental awards committee, the idea counselor and the department head evaluation report. The Board shall approve or disapprove all employee suggestions. For all denied suggestions, the Board shall include in the notification a full explanation of the reason or reasons for denial. The Board shall complete all evaluations and processing within sixty (60) calendar days from the date of receipt by the Board of the suggestion.

9.9a ~~9.6a.~~ When the Board has acted on a suggestion and has either approved or denied it, the Board will shall communicate with the department head and the employee who made the suggestion, advising of the Board's action.

b. If the Board adopts the suggestion, it shall request the department head to, and the department head shall, implement the suggestion for one (1) fiscal year or for twelve 12 consecutive months. Thereafter the department head 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 shall review results of the implementation and decide whether or not it will make an award, and if the award is to be cash or honorary. If a cash award is made, the Board shall make the award as provided by W. Va. Code §5A-1A-4.

c. Notwithstanding any other provision of these rules, the Board may approve a suggestion that has not been processed in strict compliance with these rules if the Board is provided documentation:

1. Establishing that the appropriate department head has reviewed and evaluated the suggestion;
2. Adequately describing the suggestion; and
3. Estimating the suggestion's potential savings.

d. Notwithstanding subsection (b) of this section, if the agency implements the suggestion prior to its approval by the Board, the Board may make a cash award any time after the agency submits documentation to the Board establishing that the total cash savings resulting from the suggestion have been realized or that the cost savings have exceeded fifty thousand dollars during a period not exceeding twelve months from the date the suggestion was implemented.

§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.

§147-1-11. Annual Report.

11.1. The Employee Suggestion Award Board shall prepare an annual report to the Governor.

BRIEF SUMMARY OF THE PROPOSED RULE CHANGES

The primary purpose of the proposed changes to the rules is to allow the Employee Suggestion Award Board to better monitor the number of suggestions that have been submitted and are under review by state agencies. This is done by:

(1) Deleting provisions relating to idea counselors and departmental awards committees;

(2) Providing that all suggestions are to be initially submitted to the Board;

(3) Providing that the Board will forward suggestions it receives to the appropriate department head, or heads;

(4) Providing a sixty day review period for department heads;

(5) Providing that the Board may postpone reviewing a suggestion if the employee making the suggestion is under suspension or investigation for misconduct as a result of conduct related to his or her employment; and

(6) Clarifying that the Board may consider an employee ineligible for an honorary or monetary award if the employee is involuntarily terminated as a result of misconduct related to his or her employment.

The proposed changes would also make several clarifying and technical changes to the rules.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE

The Employee Suggestion Award Board decided that its rules should be changed to streamline the processing of suggestions, and allow it to better monitor the number of suggestions that have been submitted and are under review by state agency heads.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules governing the operation of the West Virginia Public Employee Suggestion Program

Type of Rule: ☐ Legislative ☐ Interpretive ☒ Procedural

Agency: West Virginia Employee Suggestion Award Board

Address: Attn: Denny Rhodes
Building 1, Room W-314
1900 Kanawha Blvd. East
Charleston, WV 25305-0610

Phone Number: (304) 347-4890 Email: PERD@mail.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The changes proposed in this rule will have no impact on costs and revenues of state government.

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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Rules governing the operation of the West Virginia Public Employee Suggestion Program

Rule Title: Rules Governing The Operation Of The West Virginia Public Employee Suggestion Program

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The Employee Suggestion Award Board does not anticipate that the proposed rule change will either increase or decrease state revenues. The Board does not impose fees.

MEMORANDUM

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.

The main purpose of the proposed changes is to streamline the processing of suggestions, and allow the Board to better monitor the number of suggestions that have been submitted and are under review by state agency heads. It is not anticipated that changes in staffing will be needed as a result of the changes.

Date: 4-20-09

Signature of Agency Head or Authorized Representative

Robert W. Ferguson Jr. / dl