

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

FILED

2006 APR 14 P 12:22

WEST VIRGINIA  
SECRETARY OF STATE

Form #6

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

AGENCY: West Virginia Ethics Commission TITLE NUMBER: 158

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 RULE BEING PROPOSED: 14

TITLE OF RULE BEING PROPOSED: Filing of Verified Time Records

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 4172

SECTION 64-2-3(e), PASSED ON 3/19/06

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: April 20, 2006

*Lewis D. Burr*

Authorized Signature

*Ann Ferguson*

**TITLE 158  
LEGISLATIVE RULE  
WEST VIRGINIA ETHICS COMMISSION**

**SERIES 14  
FILING OF VERIFIED TIME RECORDS**

FILED  
2006 APR 14 P 12:22  
WEST VIRGINIA  
SECRETARY OF STATE

**§ 158-14-1. General.**

1.1. Scope.- - This legislative rule sets forth the guidelines for the maintenance of verified time records by public employees who have other public employment or hold another public office and the submission of time records to the Ethics Commission by the immediate supervisor of these public employees in accordance with W.Va. Code § 6B-2-5(k).

1.2. Authority. - - W.Va. Code § 6B-2-5(k)

1.3. Filing Date. - April 14, 2006

1.4. Effective Date. - April 20, 2006

**§ 158-14-2. Definitions.**

2.1. "Public employee" means any full-time or part-time employee of any state, county or municipal governmental body or any political subdivision thereof, including county school boards.

2.2. "Public official" means any person who is elected or appointed to any state, county or municipal office or position who is responsible for the making of policy or takes official action which is either ministerial or nonministerial, or both, with respect to: (1) Contracting for, or procurement of, goods and services; (2) administering or monitoring grants or subsidies; (3) planning or zoning; (4) inspecting, licensing, regulating or auditing any person; or, (5) any other activity where the official action has an economic impact of greater than de minimis nature on the interest or interests of any person.

**§ 158-14-3. Public Employees Required to Maintain Verified Time Records**

3.1. If a public employee has other public employment or holds a public office, then the public employee shall maintain verified time records for each pay period in which:

3.1.a. the public employee is employed on a part-time basis and does not have regularly scheduled work hours and is authorized to make up time missed to perform the duties of another public office or employment; or,

3.1.b. the public employee is either part-time or full-time and is authorized to make up, outside of regularly scheduled work hours, time missed to

perform the duties of another public office or employment.

3.1.c. No verified time records are required to be submitted when:

3.1.c.1. The public employee's compensation from one public employer is reduced by the amount of compensation received from the other public employer;

3.1.c. 2. The public employee's compensation from one public employer is reduced on a pro rata basis for any work time missed to perform duties for the other public employer;

3.1.c. 3. The public employee uses earned paid vacation, personal or compensatory time or takes unpaid leave from his or her public employment to perform the duties of another public office or employment.

3.1.c.4. The employee is a full-time employee who does not have regularly scheduled work hours.

3.2. For a part-time or full-time employee who has regularly scheduled work hours, a verified time record only needs to be maintained and submitted for the actual workday or workdays where there was time missed to perform the functions of the other public position or employment and the public employee is permitted to make up the time missed in lieu of having their compensation reduced on a pro rata basis for the time missed or using earned paid vacation, personal or compensatory time or takes unpaid leave from his or her public employment to perform the duties of another public office or employment.

3.3 For a part-time employee who does not have regularly scheduled work hours, a verified time record only needs to be maintained and submitted for the actual workday or workdays where there was time missed to perform the functions of the other public position or employment and the public employee is permitted to make up the time missed in another pay period in lieu of having their compensation reduced on a pro rata basis for the time missed or using earned paid vacation, personal or compensatory time or takes unpaid leave from his or her public employment to perform the duties of another public office or employment.

3.4. An elected or appointed public official who has other public employment, does not have to maintain time records for the office to which they have been elected or appointed; Provided, That, when applicable the elected or appointed public official must maintain verified time records for his or her other public employment, and these records must be filed with the Commission, in accordance with the requirements of this section and W.Va. Code § 6B-2-5(k).

3.5. The requirements of this section do not apply to public employees who have taken a military leave of absence in accordance with W.Va. Code 15-F-1.

#### **§ 158-14-4. Public Employers Required to File Verified Time Records**

4.1. If a public employer employs a person who is required to maintain verified time records, as required by this rule and W.Va. Code § 6B-2-5(k), then the public employer shall submit the time records to the Ethics Commission on a quarterly basis. Time records only need to be submitted for the actual days where an employee missed work to perform the functions of another public position and was granted permission to make up the work in lieu of having his or her compensation reduced on a pro rata basis for the time missed, using earned paid vacation, personal or compensatory time, or taking unpaid leave from his or her public employment to perform the duties of the other public office or employment. Time records shall also be submitted for the day or days on which the employee makes up the work.

4.2. If a public employer has actual knowledge that an employee is subject to the requirements of this section and W.Va. Code § 6B-2-5(k) then the employer shall require the employee to keep time records when required by this rule.

#### **§ 158-14-5. Form of Filing.**

5.1. Copies of the time records must be submitted with a form which is attached as Appendix A to this rule. The form must be completed and signed by both the public employee and his or her immediate supervisor.

#### **§ 158-14-6. Designation of Quarters and Time for Filing**

5.1. The records and attached form must either be filed with the Commission or postmarked by the following dates:

5.1.a. For any pay period ending between January 1<sup>st</sup> and March 31<sup>st</sup>, by April 15th

5.1.b. For any pay period ending between April 1<sup>st</sup> and June 30<sup>th</sup>, by August 15th.

5.1.c. For any pay period ending between July 1<sup>st</sup> and September 30<sup>th</sup>, by October 15th.

5.1.d. For any pay period ending between October 1<sup>st</sup> and December 31<sup>st</sup>, by January 15<sup>th</sup>.

**APPENDIX A  
Title 158, Series 14  
VERIFIED TIME RECORDS**

**THIS FORM AND THE CORRESPONDING VERIFIED TIME RECORDS ONLY HAVE TO BE FILED IF DURING THE QUARTERLY REPORTING PERIOD THE PUBLIC EMPLOYEE MISSED TIME TO PERFORM THE WORK DUTIES OF ANOTHER PUBLIC OFFICE OR EMPLOYMENT AND WAS AUTHORIZED TO MAKE UP TIME. THE TIME RECORDS MUST BE SUBMITTED FOR THE ACTUAL WORK DAYS OR PAY PERIODS DURING WHICH THE TIME WAS EITHER MISSED OR MADE UP. IF THE TIME IS MADE UP IN ANOTHER REPORTING PERIOD, THEN THE PUBLIC EMPLOYEE IS REQUIRED TO SUBMIT THIS FORM AND CORRESPONDING TIME RECORDS DURING THAT REPORTING PERIOD AS WELL.**

**NAME OF PUBLIC EMPLOYEE:** \_\_\_\_\_  
**JOB TITLE OF PUBLIC EMPLOYEE:** \_\_\_\_\_

**CHECK THE BOX TO INDICATE IF THE EMPLOYEE IS PART-TIME OR FULL-TIME.**

**PART-TIME:** \_\_\_\_\_  
**FULL-TIME:** \_\_\_\_\_

**PUBLIC EMPLOYER:** \_\_\_\_\_  
**NAME:** \_\_\_\_\_  
**MAILING ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

**PUBLIC EMPLOYEE'S IMMEDIATE SUPERVISOR:** \_\_\_\_\_  
**JOB TITLE OF IMMEDIATE SUPERVISOR:** \_\_\_\_\_

**CHECK A BOX TO INDICATE THE DESIGNATED PAY PERIOD FOR THE PUBLIC EMPLOYEE:**

**WEEKLY:** \_\_\_\_\_  
**EVERY TWO WEEKS:** \_\_\_\_\_  
**TWICE A MONTH:** \_\_\_\_\_  
**OTHER:** \_\_\_\_\_

**IF OTHER, INDICATE IN THE SPACE PROVIDED THE DESIGNATED PAY PERIOD:** \_\_\_\_\_

**LIST THE OTHER PUBLIC OFFICE OR EMPLOYMENT HELD BY EMPLOYEE.  
INCLUDE THE ADDRESS AND TELEPHONE NUMBER:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CHECK A BOX TO INDICATE WHETHER THE OTHER PUBLIC OFFICE OR  
EMPLOYMENT IS A PART-TIME OR FULL-TIME POSITION.**

**PART-TIME:** \_\_\_\_\_

**FULL-TIME:** \_\_\_\_\_

**CHECK QUARTER FOR WHICH THE FORM IS BEING FILED:**

January 1<sup>st</sup> - March 31<sup>st</sup> \_\_\_\_\_

April 1<sup>st</sup> - June 30<sup>th</sup> \_\_\_\_\_

July 1<sup>st</sup> - September 30<sup>th</sup> \_\_\_\_\_

October 1<sup>st</sup> - December 31<sup>st</sup> \_\_\_\_\_

**I, \_\_\_\_\_, IN ACCORDANCE WITH WEST VIRGINIA CODE §  
6B-2-5(k), VERIFY THAT THE TIME RECORDS SUBMITTED SHOW THE HOURS  
THAT I DID IN FACT WORK FOR THIS PUBLIC EMPLOYER.**

\_\_\_\_\_  
**EMPLOYEE SIGNATURE**

\_\_\_\_\_  
**DATE**

**I, \_\_\_\_\_, IN ACCORDANCE WITH WEST VIRGINIA CODE §  
6B-2-5(k) VERIFY THAT I AM THE IMMEDIATE SUPERVISOR OF THIS  
EMPLOYEE AND THAT, TO THE BEST OF MY KNOWLEDGE, THE TIME  
RECORDS SUBMITTED SHOW THE HOURS THAT THE EMPLOYEE DID IN FACT  
WORK.**

\_\_\_\_\_  
**IMMEDIATE SUPERVISOR SIGNATURE**

\_\_\_\_\_  
**DATE**