



State of West Virginia

Department of Administration
AGENCY FACT SHEETS

January 2022



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION

JIM JUSTICE
GOVERNOR

MARK D. SCOTT
CABINET SECRETARY

January 1, 2022

The Department of Administration oversees 16 state agencies and divisions, as well as provides oversight for the functions of several boards and commissions. It is the Department of Administration's pleasure to share its *Department of Administration Agency Fact Sheets* which provide general information, such as enabling legislation, the primary functions and missions of each agency, funding, challenges, legislative matters, pending issues and relevant contact information.

The Department is also responsible for many customer service core functions that ensure successful and cost-effective operations of state government. These include, but are not limited to, purchasing, personnel, technology, finance, aviation and motor vehicle fleet management, health and liability insurance, retirement, real estate, and overall risk management for state and local government agencies.

This calendar year, the Department of Administration has taken a close look at its operations to identify areas in which it can better benefit the state. As a result, the Department has made great strides in accomplishing its mission and goals. However, there is still much work to be done. Through the strong direction of our agency leaders and the hard work of our nearly 800 employees, the Department will continue to make great progress toward achieving its goals and objectives.

Should you have any questions or need additional information, please do not hesitate to call the Cabinet Secretary's Office.

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ENABLING STATUTE: W. Va. Code § 5A-1 et seq.

1) PURPOSE/MISSION:

The mission of the Department of Administration is to operate a cost-efficient, customer-oriented service department whose actions are transparent to taxpayers resulting in innovative solutions and quality results for a government that effectively serves West Virginia.

2) STAFFING:

The Cabinet Secretary's Office of the Department of Administration has a total of eight employees. This office is responsible for oversight of all internal business functions of state government that operate within the following divisions and agencies:

- Americans with Disabilities Act (ADA) Compliance Office
- Aviation Division
- Board of Risk and Insurance Management
- Consolidated Public Retirement Board
- Equal Employment Opportunity (EEO) Office
- Ethics Commission
- Finance Division
- Fleet Management Division
- General Services Division
- Public Employees Grievance Board
- Office of Technology
- Division of Personnel
- Prosecuting Attorneys Institute
- Public Defender Services
- Public Employees Insurance Agency (PEIA)
- Purchasing Division
- Real Estate Division

Additionally, the Department has oversight or involvement with 12 different boards and commissions.

3) KEY PERSONNEL:

Mark D. Scott, Cabinet Secretary
 Mary Jane Pickens, Deputy Cabinet Secretary
 Sarah H. Long, Chief Financial Officer and Assistant Secretary
 Robert P. Paulson, General Counsel
 Misty Peal, Deputy General Counsel and Legislative Liaison

4) FUNDING/BUDGET:

FY2021 Budget:	Secretary's Office	\$ 15,590,252 (General Revenue)
	Department of Administration	\$ 106,529,353 (General Revenue)

5) CORE FUNCTIONS OF AGENCY:

- Oversees the administration of 16 divisions/agencies. The Department has oversight or involvement in the administration of 12 boards and commissions;
- Issues strategic planning guidance;
- Administers the issuance of the state's municipal bonds;

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- Manages the processing of the State Tobacco Securitization Bond disbursement; and
- Manages debt service for Regional Jails and other municipal bonds.

6) RECENT CHANGES TO ORGANIZATION:

- The Governor appointed Mark D. Scott as the new Cabinet Secretary of the Department of Administration, effective November 1, 2021.
- The Governor appointed Kimberly Nuckles, the State's ADA Coordinator, to serve as the EEO director. She will serve dual roles.
- Bill Barry was appointed as the director of the General Services Division upon Greg Melton's retirement.
- Jim Cox, the director of the Public Employees Grievance Board, resigned. The Board will meet to appoint a new director.
- Ted Cheatham, director of PEIA, retired on October 31, 2021, and Jason Haught, PEIA's CFO, became the interim director.

7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

Several agencies under the Department have drafted various pieces of legislation, which may be introduced during the 2021 legislative session. This includes legislation for the Division of Personnel, Purchasing Division, Public Employees Insurance Agency, Office of Technology, and the Consolidated Public Retirement Board.

8) CHALLENGES/OBSTACLES:

- Potential statewide budget cuts and budgetary issues
- PEIA funding sources
- Recruitment, hiring, and retention of state employees
- Cyber security threats
- Agencies meeting submission deadlines to finalize the Comprehensive Annual Financial Report (CAFR)
- Funding for Public Defender Services
- Funding for the maintenance of state-owned buildings
- COVID-19 pandemic

9) HIGHLIGHTS ABOUT AGENCY:

The Department of Administration functions as the service arm of state government in various capacities for other state agencies, current and retired public employees, and the general public.

10) LEADERSHIP:

Mark D. Scott, Cabinet Secretary **304-558-4331 (o)**
 Building I, Room E-119
 1900 Kanawha Boulevard, East
 Charleston, WV 25303

Mary Jane Pickens, Deputy Secretary **304-352-6107 (o)**
 Building I, Room E-119
 1900 Kanawha Boulevard, East
 Charleston, WV 25305

Sarah Hurt Long, Chief Financial Officer and Assistant Secretary **304-352-6108 (o)**
 Building I, Room E-119
 1900 Kanawha Boulevard, East
 Charleston, WV 25305

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Robert Paulson, General Counsel

Building I, Room E-119
1900 Kanawha Boulevard, East
Charleston, WV 25305

304-352-6106 (o)

Misty Peal, Deputy General Counsel and Legislative Liaison

Building I, Room E-119
1900 Kanawha Boulevard, East
Charleston, WV 25305

304-352-6109 (o)

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 12-5-7**1) PURPOSE/MISSION:**

The Governor shall coordinate the issuance of all bonds issued by the state and its departments, commissions, boards and agencies, through the Department of Administration. On behalf of the Governor, the Department of Administration selects professionals such as bond, disclosure or other counsel, underwriters, trustee, and verification agents necessary to effectuate the issuance of the bonds.

2) STAFFING:

Agencies wishing to issue bonds must follow the *Guidelines Regarding the Submission of Financing and Refunding Proposals* issued by the Governor's Office and the Department of Administration.

Proposals undergo a review by the Governor's Office, the Department of Administration, and the state's financial advisor.

When a proposal is accepted, the Department of Administration's General Counsel will then issue a Requests for Proposal (RFPs) for necessary professionals for a given bond issuance and coordinate the selection of teams required to issue bonds.

The State has a full-time financial advisor, the Public Resources Advisory Group ("PRAG"), to assist in many levels of bond issuance, evaluation of markets for bond refundings and maintaining the State's credit ratings. The State's disclosure counsel is Bowles Rice, and disclosures to the federal government are made through Digital Assurance Certification (DAC).

The Department of Administration continues to monitor or manage the bond issuance process as necessary, ensuring that the Securities and Exchange Commission (SEC), Internal Revenue Service (IRS) and other financial reporting requirements are met.

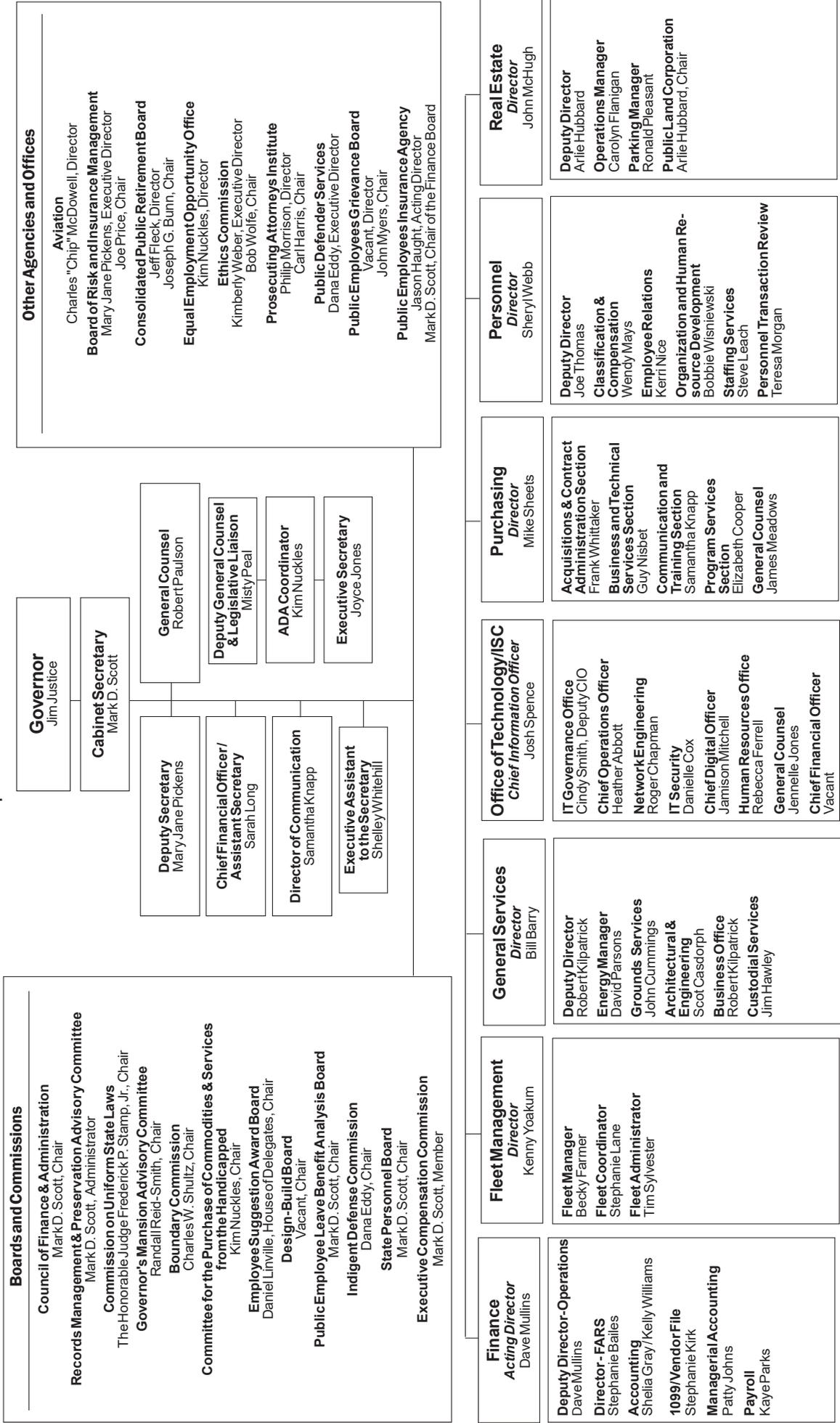
3) LEADERSHIP:

Robert Paulson, General Counsel
Robert.P.Paulson@wv.gov

304-352-6106 (o)

STATE OF WEST VIRGINIA

Department of Administration



**DIVISIONS AND AGENCIES OF THE
DEPARTMENT OF ADMINISTRATION**

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ENABLING STATUTE: W. Va. Code § 5A-3-48 through § 5A-3-53

1) PURPOSE/MISSION:

The purpose of the Aviation Division is to enhance the efficiency and effectiveness of state government by providing safe, professional, and secure on-demand air transportation to the Governor and state government agencies.

2) STAFFING:

Services are performed by nine full-time employees. Currently seven filled; two vacant. Staff includes five pilots, two aircraft mechanics and two office personnel. In addition, there are currently four assigned West Virginia State Police helicopter pilots.

3) KEY PERSONNEL:

Charles McDowell, Director
Tierra Gable, Secretary

4) FUNDING/BUDGET:

Funding is split between appropriated General Revenue (FUND 0615) and Special Revenue (FUND 2302). Special Revenue is derived from invoiced flight hours.

FY2022 Budget: \$ 2,288,079	55%	\$ 1,260,842 General Revenue (FUND 0615)
	45%	\$ 1,027,237 Special Revenue (FUND 2302)

5) CORE FUNCTIONS OF AGENCY:

Provide aviation support to state government agencies, operate and maintain the state’s 15,000 sq. ft. hangar facility located at Yeager Airport, and serve as the Governor’s representative on matters of aeronautical interest.

6) CHALLENGES/OBSTACLES:

A 30% reduction of general revenue (FY2011-2021) has created substantial obstacles to recruitment and retention of highly skilled, professional staff. To maintain current safety of flight operations, this issue needs to be addressed prior to senior staff retirements to allow an adequate transition period.

7) OTHER INFORMATION:

In FY2021, state aircraft flew 1,062 flights, transported 312 passengers, and logged 703.8 flight hours.

State aircraft owned and operated by the State of West Virginia:

TYPE	AIRCRAFT	MAKE	PASSENGER CAPACITY	RATE SCHEDULE
Airplane	NIWV	2007 Beechcraft King Air 350	9	\$1400/Flt Hr.
Helicopter	N3WV	2006 Bell 407	5	\$1100/Flt Hr.
Helicopter	N5WV	2003 Bell L4 Long Ranger	5	\$800/Flt Hr.

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TYPE	AIRCRAFT	MAKE	PASSENGER CAPACITY	RATE SCHEDULE
Helicopter	N6WV	1981 Bell B3 Jet Ranger	3	\$600/Flt Hr.
Helicopter	N890SP	2001 Bell B3 Jet Ranger*	2	\$400/Flt Hr.
Helicopter	N895SP	1995 Bell B3 Jet Ranger*	2	\$400/Flt Hr.

**Military Surplus acquired by WV State Police and restricted to law enforcement missions per Federal Surplus 1033 program.*

8) LEADERSHIP:

Charles “Chip” R. McDowell, Director
 Chip.R.McDowell@wv.gov

304-558-0403 (o)

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ENABLING STATUTE: W. Va. Code § 29-12-1 et seq. and § 33-30-1 et seq. and Executive Order 3-17

REGULATORY STATUTE: Title 115, W. Va. Code of State Rules, Series 1, 2, 3, 4, 5, 6, 7 and 8.

1) PURPOSE/MISSION:

BRIM's mission is to secure reasonably broad protection against loss, damage, or liability to state property, activities and responsibilities by proper, adequate, and affordable insurance coverage by the introduction and employment of sound and accepted principles of insurance, methods of protection, and principles of loss control and risk.

BRIM performs annual insurance loss prevention inspections on selected state structures of significant insurable risks to determine exposures present that may result in a claim; makes recommendations to eliminate or reduce the opportunities for claims; establishes loss prevention standards; provides opportunities for its insured to receive credits against premiums by minimizing losses; and provides loss control education to its insured through public information presentations.

2) STAFFING:

BRIM has 27 full-time employees: five underwriting; seven claims; five loss control; five finance; two executive and three privacy personnel.

3) KEY PERSONNEL:

Mary Jane Pickens, Executive Director

Senior Management Team:

Robert Fisher, Deputy Director/Claims Manager

Melody Duke, Deputy Director/Underwriting Manager

Stephen W. Schumacher, CPA, Chief Financial Officer

Jeremy Wolfe, Risk and Insurance Manager

Ashley Summit, Chief Privacy Officer

4) FUNDING/BUDGET:

100% Special Revenue from collection of premiums billed to insured entities, as well as money gathered from private insurers for Mine Subsidence reinsurance coverage and money collected from various temporary legislatively directed funding streams for replenishment of the Patient Injury Compensation Fund, which is being eliminated with all claims being run off as money becomes available.

FY2022 Budget:

\$105.9 Million (Revenue)

5) CORE FUNCTIONS OF AGENCY:

Pursuant to W. Va. Code § 29-12-5, BRIM has general supervision and control over the insurance of state property, activities and responsibilities, including: (A) The acquisition and cancellation of state insurance; (B) Determining the kinds of coverage; (C) Determining limits for each kind of coverage; (D) Determining the conditions, limitations, exclusions, endorsements, amendments and deductible forms of coverage; (E) Inspections relating to insurance coverage of state property and activities; (F) Reinsurance, and (G) Considerations for negotiations to ward advantageous rates and coverage for state property and activities.

BRIM is also charged, by Executive Order 3-17, with oversight of the State Privacy Office and the protection of personally identifiable information, including protected health information, collected and maintained by Executive

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Branch agencies. The State Privacy Office leads and manages the State's Privacy Program; manages the Privacy Management Team; issues privacy policies; provides training and technical assistance; and conducts privacy assessments.

If requested by a political subdivision, a charitable or public service organization, or an emergency medical service agency, BRIM may provide property and liability insurance to insure the property, activities, and responsibilities of those entities. The board may enter any contract necessary to the execution of the powers granted by Article 12 or to further the intent of the article.

BRIM procures coverage for general liability, automobile, wrongful acts liability, professional liability, personal injury liability, stop gap liability, property, cyber liability, aviation, boiler/HVAC, and statutory bond. It also procures excess liability coverage for County Boards of Education as required by statute.

BRIM is charged with administration of the Patient Injury Compensation Fund, as found in W. Va. Code § 29-12D-1, et seq.

BRIM is charged with operation and administration of the Mine Subsidence Insurance Fund, as found in W. Va. Code § 33-30-4, and handles mine subsidence claims, as well as property claims in-house with the assistance of independent adjusters and engineers.

BRIM utilizes actuaries to determine the amount of money needed to collect as premiums to properly fund the programs it administers. BRIM utilizes professional independent auditors to monitor its financial condition and internal controls and to properly account for the monies collected and spent by the agency.

BRIM oversees the liability insurance program administered by AIG and carefully controls and monitors the amounts spent in the settlement of claims.

BRIM provides inspection and loss control services, both in-house and through the use of contractors, to inspect properties and liability exposures, including boilers and machinery, attendant to our various insured, and offers credits and applies surcharges based on an entity's level of participation in our Loss Control Standards of Participation program.

Under its automobile coverage, BRIM insures 31,397 units, including private passenger, emergency and mobile equipment units; \$23,335,381,608 in property values during 2021; and provides liability coverage to 159 state agencies, 982 other governmental organizations and agencies, including Boards of Education, and nonprofits.

6) CHALLENGES/OBSTACLES:

Some of BRIM's challenges include: 1) maintaining a zero-unfunded liability (all liabilities are covered by an asset of equal or greater value) and providing service levels competitive with or exceeding those found in the private sector; 2) fluctuating returns on investments, which can have a negative effect on BRIM's bottom line; and 3) keeping insurance affordable while maintaining the proper level of protection, especially during hard economic times.

7) HIGHLIGHTS ABOUT AGENCY:

BRIM operates the insurance program with substantially lower administrative costs than seen in the commercial market. BRIM utilizes private sector vendors for many of the services provided as opposed to BRIM staff performing such services.

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8) OTHER INFORMATION:

Oversight is provided by the Cabinet Secretary for the Department of Administration and a Board of Directors appointed by the Governor in accordance with West Virginia Code.

9) LEADERSHIP:

Mary Jane Pickens, Executive Director

MaryJane.Pickens@wv.gov

304-766-2646 Ext. 43439 (o)

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ENABLING STATUTE: W. Va. Code § 5-10D-1 through § 5-10D-9, et seq.

1) PURPOSE/MISSION:

To serve those who serve West Virginia by administering nine governmental pension plans to ensure members receive accurate and timely benefits earned for their public service. To be a trusted leader in pension administration and provide public employees with the security and information they need to empower them for a productive tomorrow.

2) STAFFING:

Approximately 100 full-time positions as currently staffed in the following functional areas: 22 Executive and Administrative; One Communications and Public Information; Five Electronic Imaging; Eight Technology Services; Four Accounting, Deposits, and Invoicing; 10 Employer Reporting; 12 Membership; 10 Refunds, Death, and Required Minimum Distributions; 20 Retirement; and Three Teachers’ Defined Contribution Plan. Six positions remain vacant.

3) KEY PERSONNEL:

Jeff Fleck, Executive Director
 Terasa Miller, Deputy Director/Chief Operating Officer
 Ken Woodson, Actuary
 John Galloway, CFO

4) FUNDING/BUDGET:

Each retirement plan is funded by employee and employer contributions. Funding is appropriated special revenue derived from allocations of actual costs to the administered retirement systems. Additionally, the Uniform Services Plans receive fees as set by statute. Assuming an annual interest rate of 7.50% (changed to 7.25% effective 7/1/2021), the contribution rates, percent funded, and unfunded accrued liability (UAL) as of July 1, 2020, per plan follow:

RETIREMENT SYSTEM	EMPLOYEE CONTRIBUTION	EMPLOYER CONTRIBUTION	PERCENT FUNDED	UNFUNDED ACCRUED LIABILITY (UAL)
PUBLIC EMPLOYEES (PERS)	4.5%*	10.0%	93.9%	\$445,105,000
TEACHERS DEFINED BENEFIT (TRS)	6.0%	26.12%**	71.1%	\$3,163,020,000
TEACHERS DEFINED CONTRIBUTION (TDC)	4.5%	7.5%	N/A	N/A
STATE POLICE (PLAN A)	9.0%	33.74%**	89.9%	\$77,298,000
STATE POLICE (PLAN B)	12.0%	14.0%	91.8%	\$18,528,000
JUDGES (JRS)	7.0%	\$791,000**	192.3%	(\$102,177,000)

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RETIREMENT SYSTEM	EMPLOYEE CONTRIBUTION	EMPLOYER CONTRIBUTION	PERCENT FUNDED	UNFUNDED ACCRUED LIABILITY (UAL)
DEPUTY SHERIFFS (DSRS)	8.5%	12.0%***	89.6%	\$27,091,000
EMERGENCY MEDICAL SERVICES (EMSRS)	8.5%	10.5%	102.9%	(\$2,387,000)
MUNICIPAL POLICE & FIREFIGHTERS (MPFRS)	8.5%	8.5%	177.5%	(\$4,932,000)

- * PERS employees hired for the first time after July 1, 2015, contribute 6.0%
- ** Per Actuary: Normal Cost plus Unfunded Actuarially Accrued Liability
- *** 12.0% plus Fee Deposits (0.84% for FY2018)

5) CORE FUNCTIONS OF AGENCY:

CPRB administers the retirement benefits for approximately 76,000 active members (those not yet retired) and more than 66,500 retirees and beneficiaries. As of July 1, 2020, the plans administered by CPRB had approximately \$17.3 billion in assets.

6) RECENT CHANGES TO ORGANIZATION:

During the 2019 Legislative Session, the Legislature created the Natural Resources Police Officer Retirement System. This new system became effective on January 2, 2021, and has 117 members. Eligible employees were able to retire immediately and we’ve already had some retire. We have been working with our computer system vendor, Deloitte, in updating our system to implement the new plan. Additionally, CPRB recently implemented a call center to ensure those contacting CPRB immediately speak with a trained individual who can help and direct them—creating a more positive experience for CPRB customers. With the COVID-19 pandemic, the CPRB was able to seamlessly transition to remote working of staff. As of November 2021, we have the majority of our staff working in the office in some capacity with the ability to work remotely if needed.

7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

As an administrative agency, the nature of CPRB proposed legislative changes is typically cleanup in nature. This year’s proposed legislative changes are as follows:

- Various clean-up of our error correction statute, including the addition of “deliberate act” to the definition of employer error, as well as clarifying language regarding overpayments and timeliness of correction of errors.
- Proposed cleanup legislation regarding Tier 1 and Tier 2 service in PERS and TRS.
- Cleanup legislation to implement the provisions of the federal Secure Act, which changes the age for required minimum distributions from age 70 ½ to age 72.

8) CHALLENGES/OBSTACLES:

CPRB has been entrusted by the Legislature with a 10th retirement system: The Natural Resources Police Officer Retirement System. This plan has 115 members. Challenges include incorporating the new plan into our specialized pension administration computer system and interfacing with the wvOASIS system. Of course, continuing to deal with the COVID-19 pandemic will continue to be a challenge in the coming year. Also, there are more than 800

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participating employers in the retirement systems administered by the CPRB, and with turnover of payroll staff at these employers, ensuring the timeliness and accuracy of the information we receive is a constant challenge.

9) HIGHLIGHTS ABOUT AGENCY:

With seven of its eight defined benefit plans funded at 90% or greater, the retirement systems administered by the CPRB are among the top funded in the country. The Teachers Retirement System (TRS) is currently funded at about 73% but was as low as 9% in the early 1990s. It is considered a success story nationally in the way that a public pension defined benefit system should be funded. The impact of COVID-19 on our ability to provide services was challenging but minimal. From March-June 2020, all staff worked remotely and not a single retiree missed a payment, and we continued to process new retirements and refunds. The implementation of our line of business COMPASS computer system in 2017 allowed us to perform our essential functions remotely and enact our Disaster Recovery Plan successfully during this trying time.

10) LEADERSHIP:

Jeff Fleck, Executive Director

Jeffrey.E.Fleck@wv.gov

304-957-3523 (o)

Terasa Miller, Deputy Director/Chief Operating Officer

Terasa.L.Miller@wv.gov

304-957-3521 (o)

Ken Woodson, Actuary

Kenneth.M.Woodson@wv.gov

304-957-3527 (o)

John Galloway, CFO

John.D.Galloway@wv.gov

304-957-3524 (o)

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The WV Equal Employment Opportunity (WV EEO) office operates based upon Executive Order #10-18. The WV EEO Office is supervised and administered by the Department of Administration.

The Director of the WV EEO Program is appointed by the governor. Staff of the WV EEO Office are classified-exempt service at the will and pleasure of the governor.

1) PURPOSE/MISSION:

The mission of the West Virginia Equal Employment Opportunity Office is:

- To address and resolve EEO problems in state agencies and institutions of higher education;
- To prevent unlawful harassment and discrimination through up-to-date training;
- To host an annual EEO conference for the agency and higher education EEO counselors, coordinators, and human resources personnel; and
- To advise the Office of the Governor, state agencies, and state employees on current EEO law and procedure.

2) STAFFING:

The WV EEO Office operates with a staff of three.

3) FUNDING/BUDGET:

The WV EEO Office currently operates under the guidance of the Department of Administration. Fund 2440 is used for the annual training conference.

4) CORE FUNCTIONS OF AGENCY:

The core functions of the WV EEO Office are:

- To assist all state agencies in mediating or investigating allegations of unlawful workplace harassment or discrimination based upon protected class;
- To provide useful, up-to-date training for all West Virginia state employees on identifying, preventing, and eliminating workplace harassment and discrimination through individual employee and agency training and by hosting an annual EEO Conference;
- To provide EEO advice and assistance as requested to state employees, including agency supervisors, managers, and directors;
- To form working relationships with other agencies and with community organizations to promote diversity and support affirmative action in West Virginia state government; and
- To maintain federally acceptable standards for EEO in state government, and to prevent litigation over EEO issues.

5) RECENT CHANGES TO ORGANIZATION:

- The Governor appointed Kimberly Nuckles, the State's ADA Coordinator, to serve as the EEO director. She will serve dual roles.

6) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

The WV EEO Office requests that funds be allocated to support the annual WV EEO training conference and professional staff development. It is imperative that the WV EEO staff receive training in EEO law and best practices to serve as a resource for state agencies. Funds should be allocated for staff to attend conferences and seminars sponsored by the EEOC, NELLI, SHRM, and related organizations to stay current and updated on changes in EEO law and provide resources to state agencies. Funds to attend this training is crucial for staff.

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The annual conference should also be mandatory for state agencies.

7) HIGHLIGHTS ABOUT AGENCY:

Outreach: The WV EEO Office is actively raising the visibility of the office by its social media presence and WV EEO Coordinators/Counselors quarterly newsletter. This is the first year the WV EEO Office has provided online training. WV EEO staff serve as speakers on EEO updates, affirmative action plans, and diversity, equity, and inclusion. The Office participates in community events, career fairs, and hiring events. Frequently, WV EEO staff works with community organizations that promote the advancement and employment of those covered by EEO protected classes.

Procedure for Handling EEO Complaints: The State EEO Office maintains a *Procedure for Handling EEO (PFHEEO) Complaints*. The Procedure was revised in early 2019 and became effective May 31, 2019, after it was signed by Governor Jim Justice. This document provides a guideline and promotes uniformity across state agencies in reporting EEO complaints and submitting Investigative Summary Reports to the WV EEO Office.

State Annual EEO Conference: Due to the Coronavirus pandemic, the 2021 WV EEO Training Conference “Facing Challenges and Moving Forward” was held virtually on September 16, 2021, with 84 state employees in attendance. Six guest speakers discussed important topics. They included:

- How to hire with Diversity, Equity and Inclusion and DOP Prohibited Workplace Harassment- Sheryl Webb, Director, WV DOP
- FSN Disability Advocacy Update- Paul Smith, Director, Fair Shake Network
- Embracing Employees with Disabilities- Linda Batiste, JAN Principal Consultant, JAN Network
- Unconscious Bias in the Workplace- Kitty Dooley, Attorney at Law, The Dooley Law Firm, PLLC
- EEOC Mediation Program- Deanna R. Jackson, EEOC Mediator, US EEOC
- Sexual Harassment & Discrimination in the Workplace- Marcel Baldwin, Outreach & Training Manager, EEOC

Community Outreach: An important component of this office’s mission is supporting the organizations in the community which address the needs of historically protected classes of our citizens. Members of the EEO Office’s staff attend meetings and events, such as Kanawha Communities that Care, Tuesday Morning Group, Rotary Club, Charleston Lions Club, NAACP-Charleston Branch, WV Women Moving Forward, Women’s Club of Charleston, HHOMA Juneteenth Celebration & Minority Business Expo, Governor’s Civil Rights Day, TMG & HOPECDC Community Job & Resource Fair and WV DOP Hiring Event. Meetings and events may be held after regular working hours, weekends, or holidays.

EEO Coordinators Meetings: The WV EEO Office holds coordinator’s meetings virtually once each quarter. These meetings are used to update and revise training topics, share concerns, suggest topics and speakers for the annual training conference, and update participants on EEO counseling and investigation forms. These agency interactions are vital to meeting the needs of those requiring training or assistance with EEO investigations or mediations.

The Office is currently considering moving these meetings to semi-annually and in person.

8) OTHER INFORMATION:

By 2023, the 2020 Census data needs to be updated in an accessible data system.

9) LEADERSHIP:

Kim Nuckles, Director/WV EEO
Kim.P.Nuckles@wv.gov

304-558-0400 (o)

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ENABLING STATUTE: W. Va. Code §§ 6B-1-1 through 6B-3-11, §§ 6B-2B-1 through 6, §§ 6-9A-10 and 11, §§ 18-5-1a(a) and (b)

REGULATORY AUTHORIZATION: W. Va. Code of State Rules §158 I through 20.

1) PURPOSE/MISSION:

To maintain confidence in the integrity and impartiality of the governmental process in the state of West Virginia and its political subdivisions and to aid public officials and public employees in the exercise of their official duties and employment; to define and establish minimum ethical standards for elected and appointed public officials and public employees; to eliminate actual conflicts of interest; to provide a means to define ethical standards; to provide a means of investigating and resolving ethical violations; and to provide administrative and criminal penalties for specific ethical violations herein found to be unlawful. W. Va. Code § 6B-1-2(b). The Commission also interprets the Open Governmental Meetings Act, W. Va. Code § 18-5-1a(a) and (b), which relate to eligibility to serve on a county school board, and W. Va. § 61-10-15, which relates to county contracts.

2) STAFFING:

The Executive Director supervises three full-time attorneys and two full-time administrative assistants.

3) KEY PERSONNEL:

Kimberly B. Weber, Executive Director
Theresa M. Kirk, General Counsel
Ellen Briggs, Executive Assistant

4) FUNDING/BUDGET:

Funding comes from General Revenue derived from an appropriation from the State General Fund. The FY 2022 budget appropriation is \$719,844; 100% of this is from General Revenue. The Ethics Commission has a Special Revenue Account which started in January 2015 in which complaint fines are deposited. The balance in that account is \$32,835.32.

5) CORE FUNCTIONS OF AGENCY:

The Commission enforces the Ethics Act's prohibitions through the Verified Complaint and Initiated Complaint processes; administers lobbyist registration and reporting provisions; publishes an annual Lobbyist Directory; renders formal Advisory Opinions on the meaning and application of the Ethics Act, the Open Governmental Meetings Act, and W. Va. Code § 61-10-15 (prohibited county contracts); issues formal Advisory Opinions to school board members and candidates for those boards regarding other elected or appointed positions potentially barring their service; administers the Code of Conduct for State Administrative Law Judges; processes Financial Disclosure Statements; and advises and educates public employees and officials regarding the Ethics Act and the Open Governmental Meetings Act. The Commission also is the repository of disclosure forms required to be filed regarding "interested parties" to certain state contracts.

6) RECENT CHANGES TO ORGANIZATION:

Commission member Lindsey Ashley Thompson resigned on May 28, 2021. The Commission currently has two vacancies. Probable Cause Review Board member James E. Shepherd II resigned, effective June 30, 2021. The Commission's Probable Cause Review Board has one vacancy.

7) HIGHLIGHTS ABOUT AGENCY:

In calendar year 2020, the Ethics Commission received 127 Verified Complaints and approximately 3,285 Financial

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Disclosure Statements. It issued 20 formal Advisory Opinions, 28 Employment Exemptions, and trained 999 lobbyists, public officials, and employees throughout the state. The Commission provided 451 written responses of legal advice and provided oral legal advice to 1,225 people.

8) OTHER INFORMATION:

Oversight is provided by members of the Ethics Commission, who are appointed by the Governor with advice and consent of the Senate, and administratively by the Cabinet Secretary of the Department of Administration.

9) LEADERSHIP:

Kimberly B. Weber, Executive Director

Kimberly.B.Weber@wv.gov

304-558-0664 (o)

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 5A-2-1**1) PURPOSE/MISSION:**

The Finance Division provides financial management, accounting, and payroll services to the agencies of the Department of Administration as well as several State Boards and Commissions. In addition, the Division is responsible for the issuance of the state's Comprehensive Annual Financial Report (CAFR), Statewide Cost Allocation Plan (SWCAP), and Single Audit. The Finance Division also maintains the statewide vendor file, including preparation of IRS forms W-8, W-9, and 1099.

2) STAFFING:

Services are performed by 35 employees, broken down as follows:

Administrative: (two) Deputy Director,
(one) Administrative Secretary
(one) Accountant Auditor III

Shared Services Section:

- Accounting Services (two) Administrative Services Assistant III
(two) Administrative Services Assistant I
(two) Accounting Tech III
(one) Accounting Tech IV
(one) Procurement Specialist
- Managerial Services (one) Administrative Services Manager I
(two) Accountant Auditor IV
- Payroll (one) Administrative Services Manager I
(one) Human Resources Generalist II
(two) Human Resources Generalist I

Financial Accounting & Reporting Section:

(two) Financial Reporting Manager II
(five) Financial Reporting Specialist II
(three) Financial Reporting Specialists I
(one) Secretary II

Vendor Section:

(one) Administrative Services Assistant II
(one) Administrative Services I
(one) Accounting Tech IV
(two) Accounting Tech III

3) KEY PERSONNEL:

Acting Director/State Comptroller and Senior Management

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4) FUNDING/BUDGET:

FY 2022 General Revenue Budget	\$753,000	11%
FY 2022 Non-Appropriated Special Revenue Budget	\$3,901,817	59%
FY 2022 Appropriated Special Revenue Budget	<u>\$2,000,000</u>	<u>30%</u>
Total Budgeted Expenditures	\$6,654,817	

The Non-Appropriated Special Revenues are derived from fees for Shared Services, the CAFR, and Single Audit reports.

5) CORE FUNCTIONS OF AGENCY:

Shared Services Section

- Accounting Services – Provides procurement, accounts payable, and collections for several agencies within the Department of Administration, as well as State Boards and Commissions.
- Managerial Services – Provides expertise in accounting to Department of Administration agencies. Examples of services include monitoring cash flows, appropriation and expenditure requests, preparing profit and loss reports, and debt service payments.
- Payroll – Oversees payroll for the Department of Administration and numerous state boards and commissions, as well as leave administration.

Financial Accounting and Reporting Section (FARS) - Provides valid financial information to citizens and decision-makers to allow for sound financial decision-making. Annual reports prepared include the CAFR, Single Audit, and SWCAP.

Vendor Section – Responsibilities include administration of the statewide vendor file and the completion of IRS forms W-8, W-9, and 1099.

6) RECENT CHANGES TO ORGANIZATION

Shared Services is available to all state agencies.

7) CHALLENGES/OBSTACLES:

Finance Division’s biggest obstacle is recruiting and retaining staff due to non-competitive salaries and long hours.

8) HIGHLIGHTS ABOUT AGENCY:

The Finance Division has obtained the Government Finance Officers Association’s Certificate of Achievement for Excellence in Financial Reporting since 1995.

9) LEADERSHIP:

David Mullins, Acting Director
Dave.W.Mullins@wv.gov

304-558-6181 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5A-12-1, et seq.

1) PURPOSE/MISSION:

The mission of the Fleet Management Division (FMD) is to provide safe, efficient, and reliable fleet services in the most cost-effective manner possible. The FMD assists state spending units by providing exceptional fleet service and by promoting teamwork to accomplish the state's strategic goals and objectives.

2) STAFFING:

FMD currently has nine full-time employees, including an executive director, one Administrative Services Assistant 3, one Data Warehouse Specialist, three Administrative Services Assistants I, one Accounting Technician 3, one Office Assistant 3 and one Office Assistant 2.

3) KEY PERSONNEL:

Director
Fleet Manager – ASA3
Fleet Administrator – Data Warehouse Specialist I
Fleet Analyst Fueling – ASAI
Fleet Analyst Maintenance – ASAI
Fleet Coordinator – ASAI
Fleet Assistant - Accounting Technician 3
Fleet Assistant – OA3
Fleet Assistant – OA2

4) FUNDING/BUDGET:

Funding for the FMD comes from a monthly administrative fee for state owned and leased vehicles. In addition, the FMD receives 50% of the resale value of leased vehicles.

FY 2022 Budget: The FMD operates on a \$13,205,759 annual budget.

5) CORE FUNCTIONS OF AGENCY:

- Approves and tracks the acquisition and decommission of state vehicles with a classification of one ton and under.
- Finances the purchase of vehicles from statewide contracts issued by the Purchasing Division for agencies' daily operations.
- Provides statewide contracts for an online reservation and kiosk for sharing pool vehicles, a driver safety program, telematics, and vehicle maintenance and fueling services to all state vehicles with a classification of one ton and under.
- Provides the tools that allow the agencies to report on fleet inventory and operating cost.
- Maintains a rental fleet for state agencies located around the Capitol Complex.
- Assists with agency vehicle specifications for vehicles not found on the statewide contract.
- Trains Agency Fleet Coordinators (AFC) on the requirements found in HB4015 and Rule 148-3.

6) RECENT CHANGES TO ORGANIZATION

- Passage of HB4015, HBI03, and State Rule 148 CSR 3 have provided requirements to capture and report on the inventory and operation cost of one ton and under state vehicles.
 - The Bills and Rule require agencies to capture and report monthly odometer readings and commuting miles along with yearly travel reimbursements and vehicle rental expenses.

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- The Bills and Rule requires FMD to report annually to the Governor and to the Joint Committee on Government and Finance regarding the operations of the state's fleet and the utilization of state vehicles.
- Added an online reservation system with a kiosk and key lock box to facilitate the utilization of vehicles across agencies and reduce the number of agencies' pool vehicles
- Added telematics devices and services to the vehicle management vendor contract specifications to better determine how state vehicles are being utilized

7) CHALLENGES/OBSTACLES:

- Ensuring all State agencies participate in FMD programs and in wvOASIS fixed assets
- Find an effective way to enforce FMD's approval (as mandated in HB4015) for acquiring and decommissioning one ton and under state vehicles
- Creating a process to account for vehicles over one ton that are operated by agencies exempt from Surplus Property
- Finding a solution to pending vehicle inventory issues that have been identified but not addressed
- Consolidating the state's vehicle inventory and operating cost into one database for reporting purposes
- Acquiring more than 3,000 monthly ending odometer readings and uploading them monthly into ARI's database
- Tracking vehicle utilization by fueling transactions and monthly vehicle logs

8) HIGHLIGHTS ABOUT AGENCY:

- FY21, FMD and ARI saved the state \$300,282.07 in maintenance costs by suggesting alternatives to the garages' recommended repairs.
- Received, sorted, and distributed 4,700 replacement fueling cards with an expiration date of 10/31/21
- Training the Agency Fleet Coordinators (AFCs)
 - Conducted online training session in June, July, and August 2021 for the AFCs
 - 28 AFCs completed the training
- Completed a state vehicle underutilization report on 8/3/2021 listing 7,001 one ton and under state licensed vehicles and identified 4,573 vehicles that do not average 1,100 miles/month
- Processed 825 vehicle requests for the MV2021 vehicle statewide contracts
 - 189 declined
 - 195 vehicles purchased as Agency Owned
 - 321 vehicles leased through FMD
 - 76 decommissioned
 - 44 Reassignments
- Telematics Pilot Program
 - FMD add telematics to the Vehicle Management contract and currently there are 200 devices installed across five agencies
- Online Reservation and Kiosk System for vehicle pooling/sharing
 - FMD implemented the Capitol Complex Motor Pool which is an online reservation and kiosk system that facilitates sharing non-assigned pool vehicles across agencies. The program went online on 5/12/2021 and to date the system has facilitated 272 reservations and currently has 15 vehicles in the program.
 - Developed 3 online training sessions for the AFCs to complete by Oct. 31, 2020
 - 67 AFCs and guests attended

9) LEADERSHIP:

Kenny Yoakum, Executive Director
Kenny.H.Yoakum@wv.gov

304-558-2106 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5A-4

1) PURPOSE/MISSION:

The General Services Division (GSD) provides grounds and facilities management, engineering, custodial and maintenance services in order to maintain a safe and comfortable work environment for the West Virginia Capitol Campus and all buildings owned and operated by the Department of Administration.

2) STAFFING:

Services are performed by 107 people (116 positions):

- Business and Administration - 14
- Occupational Health & Safety - 2
- Maintenance - 55
- Grounds - 12
- Custodial - 18
- Architect/Engineering - 6

3) KEY PERSONNEL:

Vacant, Deputy Director
 Brandon Perdue, Admin Assistant
 Bob Kilpatrick, Business Manager
 Scot Casdorff, Architect/Engineer Manager
 Dave Parsons, Energy Manager
 Jim Hawley, Custodial Manager
 John Cummings, Grounds Manager
 Scotty Pauley, Acting Maintenance Manager

4) FUNDING/BUDGET:

Funding is General Revenue by appropriation, Appropriated Special Revenue derived from excess lottery funds and Non-Appropriated Special Revenue derived from rent received.

FY 2022 Total Budget	\$78,971,087
General Revenue 35%	\$27,769,219
Special Revenue 65%	\$51,201,868

5) CORE FUNCTIONS OF AGENCY:

General Services Division provides maintenance for facilities and grounds at 35 major buildings throughout the state, custodial services at the Capitol and via contract throughout the remainder of Department of Administration buildings, architect/engineering and construction management services, energy management and the management and business processes to support all internal sections.

6) RECENT CHANGES TO ORGANIZATION

In Fiscal Year 2020, GSD brought on a new manager for the Architect/Engineering Section. He has been able to hire two new engineers that have added the much-needed spark to increase the design and construction management workload of the A&E section. In FY2022, the GSD is currently working to replace two vacant key personnel positions: the Operations and Maintenance Section Manager and the Deputy Director (Director retired and prior Deputy Director was promoted into position).

FY-2022 FACT SHEET**7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGE**

For the 2021 Legislative Session, recommended statutory changes to State Code 5-22-1 to allow correction of administratively minor deficiencies in bid bonds to allow state to benefit from the lowest cost possible for construction bids. There are no current requests made by the Agency for Legislative Initiatives for the 2022 Session.

8) CHALLENGES/OBSTACLES:

Aging building infrastructure; acquiring and retaining full and adequate staffing to meet demands on Agency; provided budget versus customer expectations (including adequate rental rates); and, during FY2021 and ongoing, operating an Agency responsible for building occupancy and safety during the COVID-19 global pandemic has given rise to many unique challenges, from maintaining full-time, on-site staffing safely while providing new services to directly address and prevent outbreaks.

9) HIGHLIGHTS ABOUT AGENCY:

Completed construction:

- Completing final work on the Capitol Dome Moisture Intrusion project
- Parkersburg State Office Building reskinning
- Falling clay tile remediation projects in the Capitol building
- Repaired the south staircase to the main Capitol building to include Lincoln Plaza
- Renovated 11 restrooms in Capitol building
- Completed renovations on three floors of Building 6
- Repairing hundreds of slips, trips, and falls around the Capitol Complex walkways

Ongoing major construction includes:

- Renovating two more floors in Building 6
- Changing out the power-consuming architectural lighting around the North Circle Plaza of the Capitol Building
- Annexing the Central Chiller Plant to provide natural gas power generation
- Continuing the slip, trip, and fall project around the Capitol Complex

10) LEADERSHIP:

Bill Barry, Director
William.D.Barry@wv.gov

304.558.1808 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 29-6-1 et seq.

1) PURPOSE/MISSION:

The Division of Personnel (DOP) was created in 1989 by the Legislature to provide leadership in human resources management for state government. The Division's services touch all aspects of employment from application and hiring through separation or retirement. The DOP supports state government agencies' human capital needs through an integrated system for recruiting, screening and referring applicants for employment with oversight that ensures personnel standards and policies are met; establishes and maintains classification and compensation plans; is the responsible repository assuring compliance with personnel standards and policies for employee personnel records; formulates and consistently interprets personnel policies and procedures and provides assistance in grievance and disciplinary matters; and provides organizational and human resource development and training.

2) STAFFING:

TOTAL 45:

- Administration - 3
- Classification and Compensation - 5
- Personnel Transaction Review - 11
- Employee Relations - 3
- Staffing - 13
- Organization and Human Resource Development (OHRD) - 10

3) KEY PERSONNEL:

Joe Thomas, Deputy Director

Joe.F.Thomas@wv.gov

Layna Valentine-Brown, Administrative Secretary

Layna.S.ValentineBrown@wv.gov

Wendy Elswick, Assistant Director Classification and Compensation

Wendy.A.Elswick@wv.gov

4) FUNDING/BUDGET:

Funding for the DOP includes an annual budget appropriation from the Legislature combined with revenue derived from fees charged to state government agencies that are served by the sections of the DOP.

5) CORE FUNCTIONS OF AGENCY:

The Administration section coordinates the financial, purchasing, human resources, information technology and administrative functions of the DOP. This section also serves as advisor to the Director, providing human resource generalist knowledge, workforce analytics, project management, and input into key functions within the DOP. In addition, the Director's Office manages the communication, scheduling, and recordkeeping functions of the State Personnel Board.

The Classification and Compensation section is responsible for the creation and maintenance of the State's classification and compensation plans. This section works cooperatively with user agencies in the development and revision of job class specifications based on new programs, workplace reorganizations and emerging challenges. Staff also assist agencies in responding to recruitment and retention problems and other compensation-related issues. In addition, this section conducts and participates in a variety of salary surveys at the national, regional, and local levels to encourage competitive compensation.

The Personnel Transaction Review section protects state resources by providing checks and balances, training, and guidance material pertaining to a variety of employment transactions. This section consults with agency

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human resource professionals to develop and improve internal agency processes and systems.

The Employee Relations section (ER) serves as a trusted resource for professional human resources consultation. ER provides comprehensive guidance and technical assistance to West Virginia state agencies and employees regarding the full range of human resources management policies and practices. These include federal and state employment-related laws and regulations, such as the Fair Labor Standards Act (FLSA), Wage Payment and Collections Act, Family and Medical Leave Act(s) (FMLA) as well as the DOP's statute and legislative rules, personnel policies, disciplinary actions, and grievances. In addition, ER authors a variety of human resources guidance documents made available on the DOP website and provides training upon request. The ER section is also authorized by the West Virginia State Police and the Federal Bureau of Investigation (FBI) to obtain criminal history record information to make suitability determinations for employment in the classified service.

The Organization and Human Resource Development (OHRD) section works to improve the effectiveness and efficiency of state government through the development of a skilled workforce by providing: 1) an extensive offering of classroom and online training programs for employees and managers in both DOP covered and exempt agencies; 2) coaching services to improve the performance of employees, managers, and executives; and 3) consulting to foster higher competency in critical managerial functions, ensure that public funds are expended judiciously, and promotes respectful and satisfying customer service.

The Staffing Services section supports state agencies in employing and retaining individuals of the highest ability and integrity by working with agencies to plan and coordinate recruiting efforts and advertise positions. Job counseling is offered to applicants to help identify opportunities in state government in which they may be successful. Creating a quality workforce to encourage diversity in the state is one of the DOP's goals. The DOP recognizes merit and welcomes, respects, and values the contributions of those with diverse backgrounds. The section administers the hiring system for the classified service by establishing valid and reliable selection procedures for recruiting and evaluating applicants; creating lists of qualified applicants; and providing the best-qualified applicants to state agencies for appointment consideration. Online tests are available for positions in which a test is required. The DOP also provides deputy sheriff testing material to county Civil Service Commissions and has recently introduced online testing as a convenient option.

6) RECENT CHANGES TO ORGANIZATION

In response to the ongoing COVID pandemic, the DOP has transitioned processes to a virtual or online format to the extent possible. This includes not only the provision of training but also processes such as virtual job audits, allowing employees to remain in their workspace while providing the DOP with information needed to ensure positions are properly classified. The DOP is consistently reviewing processes to ensure the most expeditious service is being provided to agencies.

7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

The primary legislation pending is the request to update the entire DOP code section to create efficiencies in the hiring process and address pay stagnancy.

8) CHALLENGES/OBSTACLES:

The DOP must provide leadership in human resources to classified agencies with limited resources and in a time of rapidly evolving political, social, legal and demographic trends. The COVID pandemic has also created unprecedented human resources challenges.

FY-2022 FACT SHEET**9) HIGHLIGHTS ABOUT AGENCY:**

During Fiscal Year 2022, the DOP has continued to make improvements in the services we provide.

The DOP has increased utilization of the auto-scoring capabilities of the NEOGOV applicant tracking system to greatly increase efficiency in the review of applications for employment and certification of names of eligible applicants to hiring agencies.

The DOP will fully implement the transition of the process for posting internal agency positions into the NEOGOV system by the end of November 2021. This will not only simplify and expedite the process, it will further integrate the processes for posting positions and establishing lists of eligible applicants.

The DOP is finalizing implementation of the modernized employee performance appraisal process. The new process utilizing the NEOGOV system will further integrate operations and facilitate use of data analytics. The revised process becomes effective January 1, 2022.

The Classification and Compensation Section continues to meet with Human Resources Directors throughout the state to discuss various classification and compensation issues facing the agencies. This workgroup assists in identifying current issues, as well as provides recommendations and insight into avenues of change to improve the overall system.

In addition to providing individualized consultation services to agencies and employees, the ER section authors a variety of human resources guidance documents made available through quarterly meetings of the Human Resources Advisory Committee and the DOP website. ER has created guides as well as sample policies and documents directly related to the suspension of DOP rules and administration of human resources law, rule, and policy impacted by the COVID pandemic.

The OHRD section has created a completely virtual option for supervisors and managers to complete the training requirements established under the DOP Supervisor/Manager Training Program policy (DOP-PI8). This increase in use of online learning is primarily a result of the COVID pandemic.

10) LEADERSHIP:

Sheryl R. Webb, Director

Sheryl.R.Webb@wv.gov

304-558-3950

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 7-4-6 and § 61-8B-15

1) PURPOSE/MISSION:

The Prosecuting Attorneys Institute provides special prosecutors where elected prosecutors are unable to serve; provides training, service, support and resources to the prosecutors and staffs to enhance and improve the quality of all prosecution throughout the state; educates law enforcement regarding the constantly changing face of the law; and expands the public’s knowledge of the criminal justice system.

2) STAFFING:

The Institute is maintained by five full-time employees: three legal and two administrative.

3) KEY PERSONNEL:

- Philip Morrison, Executive Director
- Sherry Eling, Resource Prosecutor
- Nicole Cofer, Resource Prosecutor
- Amy Leslie, Administrative Assistant
- Luke McVay, Tech Services

4) FUNDING/BUDGET:

The Institute is funded through General Revenue and Special Revenue from the special prosecutor premiums paid by county commissions.

FY 2021 Annual Budget:	\$1,049,109
General Revenue 23.6 %	\$246,653
Special Revenue 76.4%	\$802,456

The General Revenue appropriation comes in two allotments from the Legislature. Each is dedicated to particularized uses. The first is the Forensic Evaluation Fund (\$141,579 in FY2019) and the second (\$105,074 in FY2019) is used specifically for grant matching although both funds entitle West Virginia to draw down federal dollars either directly to the Institute or, in the case of the Forensic Evaluation Fund, allows multiple entities to draw down funds. The Forensic Evaluation Fund may be viewed as earnest money, if you will, that the Justice Department requires as a condition precedent to the receipt of Violence Against Women grant funding. Special Revenue comes from grant funding or premiums paid to the Institute by the counties which are set by code.

5) CORE FUNCTIONS OF AGENCY:

The Institute Core Operations (largely county premium or grant funded) provide special prosecuting attorneys; training for prosecutors, law enforcement and other agencies; legal research, technical assistance, and technical and professional publications and manuals to prosecutors; and identification of experts and other resources for use by prosecutors. The Institute provides updates on legislation, court cases, court rules, policies and procedures and new practices. Grant funded programs include:

- Violence Against Women Resource Prosecutor program, which works to provide support and training for prosecutors and law enforcement and, to some extent, the public on topics related to best practices in sexual assault and domestic violence cases
- Finding Words/Child First (Forensic Interviewing of Children Program)
- WV Traffic Safety Resource Prosecutor program, which provides support and training for prosecutors and law enforcement and, to some extent, the public on topics related to best practices related to traffic safety. Budget numbers related to this program, not readily available now, will be forthcoming after the

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first full fiscal year at the end of June 2022.

6) CHALLENGES/OBSTACLES:

Our challenge, like other agencies, is money and salaries. Because of the increasing costs to the employees the traditional benefits package is less attractive to potential new hires. We simply have to find a way to make the salary side of the equation more attractive to offset this.

7) HIGHLIGHTS ABOUT AGENCY:

24/7 on-call resource to all state prosecutors in West Virginia regarding any prosecution-related request including special prosecutors, legal research and case consulting.

8) OTHER INFORMATION:

Agency oversight is by the West Virginia Prosecuting Attorneys Institute Executive Council and by the Cabinet Secretary of Administration. Institute membership consists of 55 prosecutors (each county prosecutor's office is funded by their respective county and not the state). The Executive Council consists of seven prosecuting attorneys elected by all 55 members and two persons appointed annually by the West Virginia County Commissioner's Association.

9) LEADERSHIP:

Philip W. Morrison, Executive Director

Philip.W.Morrison@wv.gov.

304-558-3348 (o)

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ENABLING STATUTE: W. Va. Code § 29-21-1, et seq.

REGULATORY AUTHORIZATION:

W. Va. Code § 29-21-5 authorizes the agency's Executive Director to promulgate legislative rules. The agency promulgated the legislative rule codified in Title 89, Series I, of the Code of State Regulations, 89CSR1, entitled *Payment of Fees and Reimbursement of Expenses of Court-appointed Attorneys*.

1) PURPOSE/MISSION:

The agency is responsible for fulfilling the State of West Virginia's constitutional obligation under the Sixth and Fourteenth Amendments to the United States Constitution and Section 14 of Article III of the West Virginia Constitution to provide legal counsel to indigent defendants in criminal or related proceedings.

2) STAFFING:

The agency has 31 positions. A vacancy exists in the Habeas Corpus Division for which a candidate is being actively sought. The agency is organized into three divisions: an Administrative Division, a Policy Division, and an Office of Legal Representation. The Administrative Division is overseen by the Chief Operating Officer and is comprised of Appointed Counsel Services and human resources. Appointed Counsel Services is staffed by one director, four processors, one attorney, and one help desk coordinator. The Policy Division encompasses the Chief Executive Officer, the Chief Process Officer, the Chief Financial Officer, and the General Counsel. Within the Policy Division are (i) the Financial Division which includes the auditor of the voucher processing function and the office manager; (ii) the Criminal Law Research Center which includes one coordinator; and (iii) the Public Defender Corporation Resource Center which is staffed by one administrative assistant; one criminal justice resource specialist; and one administrative assistant. The Office of Legal Representation includes (i) the Appellate Advocacy Division which is staffed by four appellate attorneys, one paralegal, and one secretary; and (ii) the Habeas Corpus Division which is staffed by four attorneys, one paralegal, and one investigator. The Appellate Advocacy Division and Habeas Corpus Division share one (1) administrative assistant. Additionally, one position is being created that will be funded with reimbursements received under Title IV-e of the Social Security Act. The position will be a coordinator who will assist with the development of programs for which the reimbursements can be expended. The position will be eliminated if reimbursements under Title IV-e end.

3) KEY PERSONNEL:

Generally, the agency functions at a level that requires specialization in every division. The following positions could be eliminated if reduction of force was mandated but would mean the diminishment of services including the inability to organize affordable legal seminars for court-appointed attorneys and public defenders and the ability to monitor proposed reforms in criminal justice: Coordinator of Criminal Law Research Center, the agency's general counsel and the Chief Operating Officer.

4) FUNDING/BUDGET:

FY 2022 Budget: \$36,195,670. A Supplemental Appropriation of \$18,000,000 will be required. The Criminal Law Research Center has \$36,468.88 on account which is generated by fees from the continuing legal education programs and which is used to offer other continuing legal education programs. The balance of Title IV-e reimbursements held by the agency is \$3,115,876.88. Programs to be supported by these funds are to be developed after the hiring of a Title IV-e coordinator.

5) CORE FUNCTIONS OF AGENCY:

The agency has six core functions under the present structure of the state's indigent defense system.

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CORE FUNCTION NO. 1: The agency is responsible for processing for payment the vouchers for the legal services provided by court-appointed private counsel. In fiscal year 2021, the agency processed 34,280 vouchers, totaling \$26,570,493.20. When electronically received, the agency reviews the vouchers of court-appointed attorneys requesting payment of their compensation for legal services and the reimbursement of their incurred expenses. The review ensures compliance with the governing statute, the agency's legislative rule, and the Office of the Auditor's guidelines and the reasonableness and necessity of the services. When approved by the agency, the agency's electronic system generates batches of vouchers to be submitted through wvOASIS to be further processed by the Office of the Auditor for compliance with its guidelines. The vouchers are then submitted to the Office of the Treasurer for issuance of warrants to the attorneys providing the services.

CORE FUNCTION NO. 2: The agency is responsible for the management of funding contracts executed with 18 Public Defender Corporations. The appropriation for this purpose is \$19,538,435. Notably, 141 full-time public defenders are employed and provide representation in the same number of cases as the more than 400 court-appointed private counsel throughout the state, but at a cost that is, conservatively, \$5 to \$7 million dollars less. Notably, a Public Defender Corporation is opening in Monongalia County, but is not yet operating. The anticipated date for commencement of its operations is March 2022.

CORE FUNCTION NO. 3: The agency provides support to the Public Defender Corporations by centralizing certain administrative and substantive functions through its Public Defender Corporation resource center that is funded, in part, by the appropriation to the Public Defender Corporations. The agency's mitigation services, recovery coach project, and SWIFT Defense of Women initiative are examples of resources that are provided to several corporations collectively whose budgets individually would not otherwise enable retention of an investigator or social worker to serve the needs of their clients.

CORE FUNCTION NO. 4: The agency represents indigent defendants in the appeal of their convictions. With only three active attorneys in the division, the agency's protocol is that only cases with significant legal issues will be handled. The remaining appeals will be handled by court-appointed private counsel at a significantly greater cost than the cost of adding attorneys to the division's staffing.

CORE FUNCTION NO. 5: The agency represents incarcerated individuals petitioning the circuit courts and the Supreme Court of Appeals for writs of habeas corpus. Cases not handled by the division will be handled by court-appointed counsel if any are willing to take such appointments.

CORE FUNCTION NO. 6: The agency's criminal law research center provides support to criminal defense attorneys and sponsors an annual conference that has received national recognition. The center periodically provides or sponsors other legal education programs throughout the year on topics of immediate interest, including in the past year a seminar on the development of mitigation plans for clients with respect to sentencing.

6) RECENT CHANGES TO ORGANIZATION:

The agency has received funding under Title IV-e of the Social Security Act that will enable the agency to develop programs to improve the quality of legal representation in child abuse and neglect proceedings.

7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

The agency is seeking a supplemental appropriation in the amount of \$18,000,000 to (i) continue payments to the court-appointed counsel on a timely basis; the agency is requesting an additional paralegal in the Habeas Corpus Division made necessary by the demand for its services from judges throughout the state; the agency is seeking an additional voucher processor to enable review of vouchers within 45 days of receipt as mandated

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by the 2019 revisions to the governing statute; and the agency is seeking funding for the increased costs of its licensing for timekeeping and case management systems used by the Public Defender Corporations and used to generate the reports required by the governing statute.

8) CHALLENGES/OBSTACLES:

The most substantial challenges are:

ONE: The system of indigent defense envisioned in 1989 should be completed. Presently, Public Defender Corporations are serving only 20 of 31 judicial circuits. The corporations are an efficient and effective means of providing representation. Private counsel will still be appointed to handle conflict matters and to handle, generally, child abuse and neglect proceedings. But Public Defender Corporations provide a platform for programs to assist clients with issues such as treatment, employment, housing and transportation that solo private counsel cannot do as they have limited or no resources. The corporations also provide for the wellness of attorneys through insurance benefits, retirement benefits, and collegiality. Finally, the experience of creating a Public Defender Corporation in Wood and Wirt counties demonstrates that cases will be resolved more efficiently and effectively than can be done with solely private counsel.

TWO: The private counsel who take court-appointments should be overseen generally as are the Public Defender Corporations. The agency could then regulate the appointment of counsel, impose certain levels of qualifications for appointments to various types of cases, impose uniform standards of representation, and resolve issues surrounding complaints about the representation. Presently, the private counsel are appointed by local courts without the agency's knowledge or input and are, after appointment, not subject to review or oversight by any entity, therefore preventing assurances that services are being provided effectively and zealously. Such oversight would reduce the number of habeas corpus petitions that are filed on the grounds of ineffective assistance of counsel.

9) HIGHLIGHTS ABOUT AGENCY:

The agency's recovery coach program is now operating statewide, and its operation has resulted in national recognition. The agency has a pilot program involving a social worker who intervenes with female clients in the designated Public Defender Corporations to determine the needs of such clients that are not being met and that may be a cause of the intersection with the criminal justice system. The agency is developing a pilot project for a parental navigator who will be a person with lived experience who will help the clients of a designated Public Defender Corporation who are involved with child abuse and neglect proceedings to fulfill their obligations in such proceedings with the hope that such proceedings are resolved more quickly; help more parents reunite with children; and, if necessary, ensure the transition to adoption of the children is done with less traumatic effect. Also, notably, the agency has published the first expert database for the State of West Virginia on its website.

10) OTHER INFORMATION:

The agency has experienced three to four months of sporadic payment to court-appointed counsel due to the need to replace the interface between the agency's system and the state's wvOASIS system. The chosen path was to not upgrade the legacy system supported by Office of Technology, but to upgrade the agency's system to directly interface with wvOASIS. For various reasons, the upgrade did not go well and attorneys were having to wait extended periods of time for payment. The problems are being resolved and payments have been resuming. The end result will be, however, that the historical stoppages in payment caused by the legacy system breaking down will soon end and payments will be made more efficiently and timely.

FY-2022 FACT SHEET

II) LEADERSHIP:

Dana F. Eddy, Executive Director

Dana.F.Eddy@wv.gov

304-558-3905 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 6C-3-1 et seq

REGULATORY AUTHORIZATION:

Title 156 Series 1 – Rules of Practice and Procedure of the West Virginia Public Employees Grievance Board

Title 156 Series 2 – Notice and Conduct of Meetings

1) PURPOSE/MISSION:

The Public Employees Grievance Board provides a fair, consistent and expedited administrative process for resolving employment related disputes between employers and employees of the Executive Branch, Public Institutions of Higher Education, County Health Departments, and County Boards of Education, covering more than 74,000 employees. The Board is responsible for administering the grievance procedure and has jurisdiction regarding procedural matters at all levels of the grievance procedure.

2) STAFFING:

Services are performed by 11 full-time employees: six Administrative Law Judges (ALJs) and five administrative and support staff.

3) KEY PERSONNEL:

Five-member Board appointed by the Governor and Director appointed by the Board.

4) FUNDING/BUDGET:

FY 2022 Budget: 100% General Revenue

\$1,124,712

5) CORE FUNCTIONS OF AGENCY:

There are three levels of grievances:

Level One – An employee can file a grievance with a chief administrator stating the nature of the grievance and the relief requested and request a conference (an informal meeting) or a hearing (a recorded proceeding where a grievant can call witnesses and present evidence). The chief administrator will issue a written decision within fifteen days of the conference or hearing.

Level Two – Within 10 days of receiving an adverse written decision at level one, a grievant can submit a written request for mediation by a Board ALJ, private mediation, or private arbitration. Private mediation and arbitration can be obtained by written agreement between the parties to share the cost.

Level Three – Within 10 days of receiving a written report that level two was unsuccessful, the grievant can file a written appeal with the employer and the Board requesting an administrative hearing on the grievance. An ALJ will set a date and location for a formal hearing. The judge will issue a written decision to all parties within 30 days.

6) CHALLENGES/OBSTACLES:

The Board's FY 2022 appropriation is equal to the FY 2021 appropriations. The agency received a minor increase for FY 2020 to offset the across the board raises. No increases in appropriations to account for increasing costs of goods and services.

FY-2022 FACT SHEET

7) HIGHLIGHTS ABOUT AGENCY:

The agency received a transfer of \$80,000.00 in February 2021 from the Cabinet Secretary for FY 2021. At the close of the fiscal year, the agency returned \$61,043.42.

8) LEADERSHIP:

Vacant

304-558-3361

FY-2022 FACT SHEET**ENABLING STATUTE:**

W. Va. Code § 5-16-1 through § 5-16-27 (PEIA and Finance Board)

W. Va. Code § 5-16D-1 through § 5-16D-6 (West Virginia Retiree Health Benefit Trust Fund)

1) PURPOSE/MISSION:

The Mission of the Public Employees Insurance Agency (PEIA) is to administer affordable insurance programs and services that protect, promote and benefit the health and well-being of our members. PEIA provides benefits to 230,000 members in the following categories: county boards of education, higher education, state agencies, local governments, retirees and surviving dependents.

2) STAFFING:

PEIA is administered by 52 full-time employees: six administration, seven clinical services, three communications, 10 customer service, 12 eligibility, eight finance, six premium accounts.

3) KEY PERSONNEL:

Bill Hicks, General Counsel

Charlotte Stover, Deputy Director of Insurance and Member Services

Felice Joseph, Pharmacy Director

Jan Powell, Operations and Communications Manager

Jason Haught, Chief Financial Officer

Dr. Lisa Newell, Medical Director

Tom Miller, Privacy and Security Officer

4) FUNDING/BUDGET:

Funding is provided through the premiums of participating employers, employees, and retirees. Budget guidance for general revenue-funded agencies is provided by the Governor after reviewing revenue projections for the next fiscal year.

TOTAL BUDGET FY2022:

\$ 974 Million

\$ 770 Million – Active

\$ 204 Million – Retiree

5) CORE FUNCTIONS OF AGENCY:

PEIA provides life insurance, health care benefits and flexible benefits; controls enrollment and eligibility for the plans; increases awareness related to insurance and health care; administers effective and efficient programs and services; ensures that claims and other requests are processed promptly and accurately; works with providers to ensure ample access to medical services at reasonable costs; develops and implements programs and services to address various health problems facing insureds; and assists members regarding insurance and health care benefits.

6) RECENT CHANGES TO THE ORGANIZATION:

Executive Director, Ted Cheatham, has retired and PEIA Chief Financial Officer, Jason Haught, has been appointed as Interim Executive Director.

7) CHALLENGES/OBSTACLES:

PEIA continues to be challenged with offering the current health care insurance benefit levels with ever-increasing healthcare costs.

FY-2022 FACT SHEET

8) HIGHLIGHTS ABOUT AGENCY:

- Wondr weight loss program - ongoing
- Updated Bariatric Policy to collaborate with the four Centers of Excellence in West Virginia and a pilot for the limited use of weight loss medications
- SWORD pilot - virtual physical therapy for improved access and lower cost to members needing conservative care

9) OTHER INFORMATION:

- OPEB - other post-employment benefits liability of State government is \$1.6 billion (Net OPEB Liability, OPEB Liability - OPEB Assets = \$.3 billion)

10) LEADERSHIP:

Jason Haught, Interim Executive Director
Jason.A.Haught@wv.gov

304-558-7854 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5A-3, et. al. [Related statutes: W. Va. Code § 5-22 and 5G]

REGULATORY AUTHORIZATION: W. Va. Code of State Rules 148-CSR-1

1) PURPOSE/MISSION:

The Mission of the Purchasing Division is to provide prudent and fair spending practices in procuring quality goods and services at the lowest cost to state taxpayers by maximizing efficiencies and offering guidance to our customers.

2) STAFFING:

The Purchasing Division is staffed with 50 full-time employees:

- 18 in the Acquisition and Contract Administration section;
- Five in the Communication and Training section;
- 10 in the Business and Technical Services section;
- 14 in the Program Services section;
- and three in the Administrative Office of the Director.

3) FUNDING/BUDGET:

FY2022 Budget:	\$3,957,937
General Revenue (26%)	\$1,047,714
Special Revenue (74%)	\$2,910,223

4) CORE FUNCTIONS OF AGENCY:

The Purchasing Division oversees the procurement of commodities, business services, professional services, and construction exceeding \$25,000, and delegates procurement authority to state agencies under that dollar threshold. Various functions related to the state procurement process include training and professional development, vendor registration, purchase order encumbrance, inspection and contract management. In addition, the Purchasing Division administers the Surplus Property Program (see separate Fact Sheet for Surplus Property).

5) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

Several bills passed during the 2021 Legislative Session that affected the state purchasing process. Several of these granted full or partial exemptions. They included HB 2260 (contracts with child placing agencies entered into by DHHR), HB 478 (allowing the West Virginia Military Authority to use cooperative contracting), HB 2019 (making both the Division of Tourism and Development Office separate departments, Departments of Tourism and Economic Development, respectively, and making both exempt from the Purchasing Division).

Additionally, Senate Bill 587 passed into law on April 2, 2021. The bill, which created W. Va. Code § 5A-3-62, expedites contract negotiation by automatically voiding certain contract terms that are listed in the statute even if those terms are contained in vendor boilerplate documents included in contracts signed and approved by the state.

Senate Bill 2787, which was introduced but did not pass, would have increased agencies’ delegated spending limits up to \$100,000 based on inspection scores. The Purchasing Division fully supports that bill, which will automatically be reintroduced again during the next legislative session.

FY-2022 FACT SHEET**6) CHALLENGES/OBSTACLES:**

- Enhancing performance and work outcomes of agency purchasing officers through education, training and certification efforts
- Improving efficiency of the purchasing process while maintaining transparency and compliance with all state laws, rules and procedures
- Acquiring/developing reporting tools that accurately reflect the State's spend
- During the 2020 Legislative Session, House Bill 4665 reduced the Purchasing Division's Purchasing Card rebate by 5.5%. As a result, the Purchasing Division has lost approximately \$600,000 of its revenue stream, requiring it to look at other sources of income.

7) HIGHLIGHTS ABOUT AGENCY:

- The Purchasing Division entered into a terms agreement with Amazon Business Prime. Creating a single account for the state with Amazon provided agencies with another potential source of supply for small dollar purchases, facilitated Amazon becoming a registered vendor with the state of West Virginia, and provides the Purchasing Division with more accurate data about state agency spend with Amazon.
- In 2020, the Purchasing Division worked with wvOASIS to develop a report within Business Intelligence that will allow agencies to search for potential vendors based on commodity code. This report will increase the vendor pool while simultaneously driving down prices for the state.
- In response to the pandemic, rules for the purchase of goods and services related directly to COVID-19 were suspended. This allowed agencies to obtain needed supplies, such as hand sanitizer, gloves, masks, and more in a timelier manner.

8) OTHER INFORMATION:

There are 48 exemptions, both full and in part, from the Purchasing Division's authority. These include higher education, State Police, Division of Natural Resources, Division of Highways road construction, and the Judicial and Legislative branches of government.

9) LEADERSHIP:

W. Michael Sheets, Director
William.M.Sheets@wv.gov

304-558-0492 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5A-3-43 through 46 [Related statutes: WV Code § 5A-3-34 through 35 for Fixed Assets and § 12-3-11 and § 5A-3-48B for Travel Management]

REGULATORY AUTHORIZATION: W. Va. Code of State Rules 148-CSR-4

1) PURPOSE/MISSION:

The West Virginia State Agency for Surplus Property (WVSASP) has the exclusive power and authority to maintain a record of property and make dispositions of commodities, or expendable commodities that are owned by the State, when the commodities become obsolete or unusable, are not being used, or need to be replaced. In addition to the State Surplus Property Program, the WVSASP oversees the Federal Surplus Property Program. The WVSASP is given the authority to coordinate the donation of property retired by the federal government to state and local public entities and nonprofit organizations. Finally, the WVSASP oversees the State Travel Management Office and the Fixed Assets Program.

2) STAFFING:

The services are performed by 14 full-time employees, including one manager, four administrative employees, one supervisor, one mechanic, two truck drivers, three inventory control associates, one laborer, and one Federal Service Property Manager.

3) FUNDING/BUDGET:

Funding for WVSASP is Non-Appropriated Special Revenue derived from the sale of surplus property.

FY2022 Budget:	\$2,067,399
<i>100% Special Revenue =</i>	
Operation Budget	\$1,502,465
Reimbursements:	<u>\$ 899,132</u>
Net Revenue:	\$1,168,267
Expenditures:	\$ 957,996
Net Income:	\$ 210,271

4) CORE FUNCTIONS OF AGENCY:

WVSASP operates the State Surplus Property and the Federal Surplus Property programs and is also responsible for the Fixed Asset Program and the Travel Management Office.

Under the State Surplus Property Program, property no longer required by a state agency is made available to eligible organizations and the general public. Eligible organizations include state agencies, county commissions, county boards of education, municipalities, public service districts, county building commissions, airport authorities, parks and recreation commissions, and nonprofit domestic corporations qualified as tax exempt under Section 501 (c) of the United State Internal Revenue Code. All state agencies must retire state surplus property to WVSASP, unless otherwise exempt through state law.

The Federal Surplus Property program is the gateway to obtaining donated federal surplus property. Only eligible organizations can participate in the Federal Surplus Property program. This program allows the WVSASP to apply for and receive surplus federal property on behalf of eligible organizations.

The Fixed Assets Program provides tracking guidelines for state agencies to maintain state-owned property.

FY-2022 FACT SHEET

State agencies reporting to the Purchasing Division must, on or before July 15th of every year, file with the Purchasing Division a certification verifying that all reportable property in its possession as of the close of the last fiscal year was properly entered into the Fixed Asset System within wvOASIS.

The State Travel Management Office coordinates information relating to the Governor's Travel Policy and travel-related contracts.

5) CHALLENGES/OBSTACLES:

- Acquire/develop reporting tools that accurately reflect the fixed assets program
- Implementing its inventory system
- As a self-sustaining agency, continue to grow the programs to generate revenue to cover expenses.

6) HIGHLIGHTS ABOUT AGENCY:

- The WVSASP recently purchased a new point of sale system to invoice customers and track surplus inventory.
- More than \$3.8 million in federal surplus property was donated to West Virginia for federal Fiscal Year 2021.
- The WVSASP hosts an annual open house to educate eligible organizations about the Surplus Property Program.
- The WVSASP conducts an annual customer appreciation day and created a Facebook page to keep the public informed about what property is available through Surplus Property.
- As a result of the Veteran's Small Business Enhancement Act of 2018, the WVSASP can facilitate the transfer of property no longer needed by federal agencies to eligible veteran-owned businesses in West Virginia.
- The WVSASP assisted Marshall University in acquiring two planes donated through the federal surplus property program. The University will use these planes as part of their new Aviation Program.

7) OTHER INFORMATION:

- Surplus Property, which is an organization under the Purchasing Division, is located at 2700 Charles Avenue in Dunbar, W. Va.
- Some agencies are exempted from Surplus Property's authority. These agencies include Higher Education, the Division of Highways, and the Legislative and Judicial branches of state government.
- Surplus Property has the authority to sell state property to the public utilizing various methods of sale, including daily public sales, off-site sales, sealed bid, online sales or auctions.

8) LEADERSHIP:

The WVSASP is organizationally structured under the Purchasing Division.

W. Michael Sheets, Director

William.M.Sheets@wv.gov

304-558-0492

Elizabeth Cooper, Surplus Property Manager

Elizabeth.J.Cooper@wv.gov

304-766-2626

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 5A-6, § 5A-6B, and W. Va. Code § 5A-7**1) PURPOSE/MISSION:**

The West Virginia Office of Technology (WVOT) provides leadership and oversight in driving West Virginia's technology strategy, while providing essential enterprise technology services to agencies across state government, leveraging a chargeback funding model. Our mission is to enable state agencies to leverage protected technology in carrying out their purpose in service to our citizens, to businesses, and other interested parties in West Virginia. The growing integration and interdependency on technology that drives innovation, enhancements, and efficiencies in government operations and services only confirms WVOT's vital role in state government.

2) STAFFING:

Total number of filled positions: 204.5

Total number of vacancies: 67

3) KEY PERSONNEL:

- Chief Technology Officer (CIO)
- Deputy CIO (DCIO)
- Chief Information Security Officer (CISO)
- Chief Operations Officer (COO)
- Chief Digital Officer (CDO)
- Chief Financial Officer (CFO)

4) FUNDING/BUDGET:Org: 0210**Funds: 2220 - WVOT/Information, Services & Communication (IS&C)**

Appropriated Special Revenue derived from technology support billed to other state agencies

FY2022 Budget \$39,321,583

2032 - Central Mail Operations

Non-appropriated Special Revenue derived from mail operations billed to other state agencies

FY2022 Budget \$7,516,240

2222 - Telecommunications

Non-appropriated Special Revenue derived from telecommunications services billed by outside providers to other state agencies

FY2022 Budget \$14,152,900

Org: 0231**Fund: 2531 - WVOT**

Appropriated Special Revenue derived from fees associated with the IS&C Fund

FY2022 Budget \$2,709,787

Fund: 2532 - Excess Lottery

FY2022 Budget \$9,706,479.62

FY-2022 FACT SHEET**5) CORE FUNCTIONS OF AGENCY:**

- To lead the State's technology strategy leveraging technology to improve and enhance government operations and services.
- To provide information technology enterprise services and support to both executive branch and non-executive branch agencies, designed to leverage economies of scale, offering cost-efficient centralized technology services.
- Provide cybersecurity services to include cyber risk management and centralized incident response.

6) RECENT CHANGES TO ORGANIZATION:

Under the leadership of CIO Josh Spence, the Office of Technology has implemented and accomplished a number of initiatives which align with the state's technology strategic goals of digital government, technology optimization, enterprise services, and cybersecurity. Some of the recent achievements include the migration of more than 50 terabytes of data to a cloud platform, providing improved capability and data protection while reducing operational costs; and implementation of new technology infrastructure services, specifically designed to provide scalability, flexibility, and significantly improved security capabilities. More than 10,000 telephones were migrated to a modernized hosted solution, reducing dependency upon legacy infrastructure. Additionally, the WVOT partnered with the WV Library Commission to improve the broadband service of 144 libraries, each of which received increased internet connection speeds at an average of 900% faster as part of the project. Lastly, during the past year, more than 9,000 state employees participated in productivity application suite training.

7) OVERVIEW OF REQUESTS FOR POTENTIAL LEGISLATIVE CHANGES:

The WVOT is always looking at exploring ways to update and streamline statutes that relate to the strategic management of technology investments. The WVOT is supportive of any effort to modernize procurement laws to enable additional flexibility and agility of technical procurements.

8) CHALLENGES/OBSTACLES:

- The growing cyber threat presents critical cyber risk to the state: (1) in the potential loss of sensitive information and (2) the negative and prolonged impact on government services from a cyber attack.
- The competition with both the federal government and the private sector in hiring and retaining a qualified and capable cyber workforce presents a significant obstacle to the WVOT.
- The technology industry shift from a capital expenditure (CAPEX), with large funding upfront, to an operating expenditure (OPEX) model presents challenges to funding and leveraging federal grants for technology.

9) HIGHLIGHTS ABOUT AGENCY:

The WVOT supports:

- 23,000 users across nine departments
- 81 total services offered, categorized into seven core areas:
 - Application Development
 - Desktop Support/Technical Services
 - Project Management
 - Security Services
 - Servers/Storage
 - Email
 - Network/Telephony Support
- Servicing more than 500 locations across the entire state

FY-2022 FACT SHEET

I0) OTHER INFORMATION:

- The WVOT is responsible for providing leadership and direction of information technology for state government and is responsible for the administration of technology infrastructure for Executive Branch agencies.
- The WVOT directly supports the Governor’s efforts to deliver critical services, streamline operations and reduce costs.

II) LEADERSHIP:

Joshua D. Spence, Chief Information Officer

304-558-8100

WV Office of Technology
1900 Kanawha Blvd. East
Bldg. 5, 10th Floor
Charleston, WV 25305

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 5A-10**1) PURPOSE/MISSION:**

The Real Estate Division (RED) provides a unified and fully integrated, professional real estate service. It has the following responsibilities: manage leases for state-owned and leased buildings; negotiate and renegotiate leases on behalf of agencies in role of lessee, and as lessor in owned buildings; develop co-location and relocation plans for agencies; space programming and planning in facilities; project and construction management; and establish uniform and cost-effective guidelines for real estate practices.

2) STAFFING:

21 full time employees:

- 10 Real Estate (includes two vacant)
- 11 Parking (includes two vacant)

3) KEY PERSONNEL:

John K. McHugh, Executive Director
 Arlie Hubbard, Deputy Director
 Carolyn Flanigan, Operations Manager

4) FUNDING/BUDGET:

The RED is funded through General Revenue appropriation and Special Revenue from parking fees.

Actual FY2021 Budget	\$1,451,739
57% General Revenue	\$ 831,866
41% Special Revenue from parking	\$ 595,373
2% Special Revenue from PLC	\$ 24,500

5) CORE FUNCTIONS OF AGENCY:

The Real Estate Division administers 519 leases around the state totaling \$43 million annually. The rents are paid by the agencies as the tenant, while the RED is the lessee. The Department of Administration, General Services Division and the Real Estate Division are responsible for 31 state-owned buildings. The RED is responsible for maintaining the leases for these buildings. The Auditor's Office collects \$20 million in rent annually, on state-owned buildings. This money is forwarded to the General Services Division for building maintenance and service.

The Parking Section of RED is responsible for the following: collecting monthly fee of \$20 per parking space from each employee parking on the Capitol campus, totaling \$432,913; collecting all money from the parking meters, totaling \$53,023; collecting fines for parking citations, totaling \$29,029; collecting other monies for parking permits, placards, access cards, etc. totaling \$2,150; and overseeing the maintenance of all parking on the Capitol Complex.

Total revenue generated by the parking section for Fiscal Year 2021 is \$ 517,115.

6) CHALLENGES/OBSTACLES:

The RED must continue to ensure compliance by state agencies with the provisions of its enabling statute, W. Va. Code § 5A-10-9, requiring the reporting of all property owned or leased by a state spending unit. The RED must also continue to emphasize the full utilization of existing state office space whenever possible.

FY-2022 FACT SHEET**7) HIGHLIGHTS ABOUT AGENCY:**

The RED continues in its mission of moving state agencies from privately-owned office space into state-owned space. RED has also worked in partnership with wvOASIS to develop a reporting template to collect information from all state spending units on property that they own or lease and has provided an annual report to the governor and legislature.

8) OTHER INFORMATION:

Centralizing the office lease function in the RED enables state agencies to save tax dollars spent in the private market. The RED will generally only approve a 1%-2% annual rent increase from private landlords and strives for no increase; the RED also conducts a market-rate analysis to ensure fair rental rates in the private sector; the RED is also the agency directly responsible for ensuring that as a priority, agencies are housed in state-owned buildings whenever possible. This is essential for maintaining debt payments on state buildings, as well as providing much-needed revenues for the General Services Division as they address the challenge of repairing and maintaining these properties.

10) LEADERSHIP:

John K. McHugh, Executive Director

John.K.McHugh@wv.gov

304-558-3490 (o)

**BOARDS AND COMMISSIONS UNDER
THE AUTHORITY OF THE
DEPARTMENT OF ADMINISTRATION**

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 5A-1-11**1) PURPOSE/MISSION:**

Developing, implementing and monitoring a statewide program to assure state government compliance with 42 U.S.C. § 12101, et seq., the federal Americans with Disabilities Act.

2) POSITION:

Appointed by the Secretary of the Department of Administration with input from the chairpersons of the Developmental Disabilities Council, the Statewide Independent Living Council, the Mental Health Planning Council, and the State Rehabilitation Council.

3) RESPONSIBILITIES:

- Advise and train agency heads, managers, supervisors and agency disability directors on ADA compliance;
- Assist in formulating ADA rules and standards and investigate and resolve complaints regarding employment, education, housing and public accommodation;
- Consult and collaborate with state and federal agencies on ADA plan development;
- Represent the state on local, state and national committees and panels;
- Advise the Governor on ADA issues;
- Consult with state EEO officers on hiring persons with disabilities; and
- Inspect and advise the Real Estate Division on ADA issues with state-owned and leased space.

4) CONTACT INFORMATION:

Kim Nuckles, ADA Coordinator
Kim.P.Nuckles@wv.gov

304-558-1247

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 29-23-2**1) PURPOSE/MISSION:**

The West Virginia Boundary Commission investigates state, county and municipal boundary disputes when requested to do so by the Governor or the Legislature.

2) STAFFING:

There is no staff for the Commission.

3) FUNDING/BUDGET:

There is no funding for the Commission.

4) CORE FUNCTIONS OF AGENCY:

The Boundary Commission establishes boundary lines; employs a surveyor or engineer to survey such boundary; and contracts for the placement of monuments to identify any boundary line disputes.

5) OTHER INFORMATION:

The Commission is a third party which investigates and establishes boundary lines in a fair and accurate manner. The Commission has not needed to meet or act in recent history.

6) LEADERSHIP:

Misty Peal, Deputy General Counsel

Misty.Peal@wv.gov

304-558-4331 (o)

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5-22A-1, et seq. Design-Build Procurement Act

REGULATORY AUTHORIZATION: W. Va. Code of State Rules (148 CSR 11)

1) PURPOSE/MISSION:

The Design-Build Procurement Act was enacted to allow publicly funded projects to utilize the design-build delivery model of construction.

2) STAFFING:

The Department of Administration provides support staff to the Design-Build Board.

3) KEY PERSONNEL:

The Board is composed of the following:

- Two members must be contractors licensed in the state
- One member must be an architect licensed in the state
- One member must be a professional engineer licensed in the state
- One member shall represent labor
- Three members who represent the public-at-large
- Cabinet Secretary of Administration is an ex-officio member

4) FUNDING/BUDGET:

The Department of Administration received an appropriation in the amount of \$4,000.00 for payment of expenses of the members and costs incurred by the Secretary's office related to the Board.

5) CORE FUNCTIONS OF AGENCY:

The Design-Build Board must approve and monitor all projects owned, potentially owned or ultimately owned by any agency, state department, authority, quasi-public corporation and all political subdivisions that are to be constructed through the design-build method. All projects must meet the following criteria:

- Must have appropriate legal authority to enter into a contract;
- Must require a construction timeline that is faster than the traditional design-bid-build method;
- Must require close coordination of design functions and construction expertise;
- Must require early cost containment;
- Must provide a written plan for funding the project; and
- Must submit a written application for approval by the board.

6) CHALLENGES/OBSTACLES:

Lack of project proposals in the past years eliminated a need for the Board to meet.

7) HIGHLIGHTS ABOUT AGENCY:

Governor Justice has appointed members to fill vacant seats on the Board.

8) LEADERSHIP:

Mark D. Scott, Cabinet Secretary of Department of Administration, serves as an ex-officio member of the Board.

Misty Peal, Deputy General Counsel

Misty.Peal@wv.gov.

304-558-4331

FY-2022 FACT SHEET

ENABLING STATUTE: W. Va. Code § 5A-3A-3 through § 5A-3A-6

REGULATORY AUTHORIZATION: Legislative rules governing the operation of the Committee are 186 CSR 1 through 186 CSR 5.

1) PURPOSE/MISSION:

Furthering the state's policy of encouraging disabled persons to achieve maximum personal independence by engaging in productive activities. Providing state agencies, institutions and political subdivisions with a method to purchase commodities and services offered for sale by nonprofit workshops outside of the usual purchasing process.

2) STAFFING:

The Committee has six members who serve two-year terms that expire on the 31st day of January of odd-numbered years. Members are appointed by the Governor with advice and consent of the Senate. The Governor appoints the chairperson.

1. A private citizen conversant with problems related to employment of handicapped;
2. A representative of a producing nonprofit workshop;
3. A representative of the Division of Rehabilitation Services;
4. A representative of the Department of Administration;
5. A representative of private business knowledgeable of activities in sale of commodities and services; and
6. A representative of organized labor knowledgeable in employment of the disabled.

3) COMPENSATION:

Members who are not state employees shall receive compensation of \$50.00 a day for each day engaged in work for the committee; all members shall receive reimbursement for expenses with no geographical constraints.

4) CORE FUNCTIONS/RESPONSIBILITIES OF AGENCY:

Determining the fair market price of commodities, printing and services offered by the central nonprofit agency. Monitoring the activities, performance and records of the central nonprofit agency.

5) CONTACT INFORMATION:

Kim Nuckles, Chairperson

Kim.P.Nuckles@wv.gov

304-558-1247

FY-2022 FACT SHEET**ENABLING STATUTE:** W. Va. Code § 5A-5-1**1) PURPOSE/MISSION:**

The Governor's Mansion Advisory Committee makes recommendations to the Governor for maintaining, preserving and replenishing of all articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art used or displayed in the state rooms of the Governor's mansion.

2) STAFFING:

The committee has no staff. Per statute, the Governor designates a Chairman and the Secretary of the Department of Administration serves as secretary. The committee meets in conjunction with the West Virginia Mansion Preservation Foundation, Inc. Members of the Foundation also serve as members of the Advisory Committee and they elect the chairperson, secretary and treasurer.

The Advisory Committee is composed of the following:

- Secretary of Administration or designee, ex-officio
- Commissioner of Culture and History or designee, ex-officio
- Spouse of the Governor or his/her designee, ex-officio
- One member shall be a curator in the field of fine arts.
- One member shall be an interior decorator who is a member of the American Institute of Decorators.
- One member shall be a building contractor.
- One member shall represent the interest of the general public.

3) FUNDING/BUDGET:

There is no funding from the State. However, the Foundation has an account at a financial institution; current balance in the account is unknown.

4) CORE FUNCTIONS OF AGENCY:

The Committee makes recommendations regarding the décor, furnishings and arrangements best suited to enhance the historic and artistic values of the mansion. The Committee is required to file an annual report to the Governor and Legislature regarding the Committee's activities.

5) CHALLENGES/OBSTACLES:

The challenge to the Advisory Committee is that its mission and function are duplicative with other entities.

6) HIGHLIGHTS ABOUT AGENCY:

The Advisory Committee ensures that the Governor's mansion is decorated in a fashion that preserves historic and artistic values and is appealing to those who visit the mansion.

7) OTHER INFORMATION:

The Committee has not met for some time.

8) LEADERSHIP:

Mark D. Scott, Cabinet Secretary of Department of Administration, serves as an ex-officio member of the Advisory Committee.

Misty Peal, Deputy General Counsel

Misty.Peal@wv.gov.

304-558-4331