



Quotes, Notes & Anecdotes

A Monthly Employee Newsletter Published by the Department of Administration

July 2004 · Vol. 11, Issue 7

Employee of the Month

Purchasing's John Johnston Serves as Buying Liaison for DOH

JOHN JOHNSTON, a senior buyer for the Acquisitions and Contract Administration Section of the Purchasing Division, has been selected as the department's *Employee of the Month* for July.

A 32-year employee of state government, John serves as the dedicated buyer for the West Virginia Division of Highways, which generates the largest number of purchasing transactions annually.

During fiscal year 2001, there were 585 transactions processed for DOH, representing 30 percent of the total purchases handled by the Purchasing Division.

One of his co-workers said, "John works tirelessly to meet the needs of the Division of Highways."

Another co-worker added, "His work is always completed in a timely and professional manner. He has a good working relationship with DOH staff and vendors.

He is conscientious and works hard to serve the Purchasing Division, the Division of Highways and other agencies."

In John's spare time, he enjoys physical fitness, running, lifting weights and yoga.

Please join John Johnston and his friends and co-workers at a special ceremony when he will be honored at 11 a.m. on Thursday, July 1, 2004, in the Purchasing Division's conference room.



JOHN JOHNSTON
July Employee of the Month

Two-Part Series Focuses on the History of the State Capitol and the Surrounding Buildings



Editor's Note: This is the first of a two-part series targeting how the State Capitol and its grounds have changed throughout history.

By **Debbie Harrison**
Communication Specialist

West Virginia celebrated her 141st birthday on June 20. Her history is full of obstacles she has had to overcome, but one particularly inspiring to many of us, is that of the State Capitol. In this two-part series, we'll look at the misfortunes surrounding West Virginia's capitol buildings and the insight and decisions made by our forefathers that have gone on to shape one of the most magnificent State Capitol Complex.

West Virginia has had six state capitol buildings, two in Wheeling and four in Charleston. Our story begins in 1863 when the state of West Virginia was admitted into the union

Continued on Page 3

Sneak Peek INSIDE...

- ◆ Physicians' Mutual Insurance Company Transition
- ◆ 2004 Legislative Session Update
- ◆ State EEO Reveals Courts Require Employees to Promptly Report Workplace Harassment
- ◆ Administrative Notes
- ◆ People Talk



2004 Legislative Session Update

An Overview of Legislation Affecting OUR Department

By Donna Lipscomb
Executive Coordinator

Although the 2004 legislative session was predicted to be more quiet than previous years, it was quite the contrary. A greater number of bills was introduced this year than in the past three years. A total of 2,127 bills were introduced in 2004; 1,882 in 2003; 2,052 in 2002; and 2,006 in 2001.

Of the 2,127 bills introduced this session, 1,390 bills were introduced by the House of Delegates and 737 by the Senate. Only 280 passed both houses. Twelve bills that passed both houses were vetoed by Governor Wise; three of which were amended and again passed. Of bills vetoed, five affected the Department of Administration. Of the 271 bills which Governor Wise signed into law, 48 affected the Department of Administration either directly or indirectly.

Below is a summary of some bills passed that affect our department:

SB 100- Prohibits state and political subdivisions from contracting with vendors with debt to the state.

SB 133- Budget Bill: Makes appropriations of public money out of the treasury in accordance with the Constitution.

SB 143- Provides for accident and sickness insurance coverage to small business employers.

SB 149- Changes the name of the Department of Tax and Revenue to the Department of Revenue; transfers the Budget Section from the Department of Administration to the Department of Revenue.

SB 209- Requires a review of certain state leases and purchases by the Joint Committee on Government and Finance.

SB 327- Authorizes the Department of Administration to promulgate legislative rules, which resulted in rule changes in parking, leasing, CPRB and BRIM.

SB 508- Requires 50 percent of moneys received by the commission on the arts to be expended for capital improvements, preservation and operation of cultural facilities not managed by their division; calls for a Women's Veterans Memorial statue to be a priority with plans being submitted to the Secretary of Administration for approval.

SB 563- Relating to the Public Employees Retirement Act, this bill clarifies when an annuity begins following application; clarifies service credit for certain public employees, requires periodic physician's certification of disability in some situations, and defines and restricts beneficiary nomination for pre-retirement death annuities.

SB 700- Requires state agencies to make timely payments for telecommunications services; requires the Secre-

tary of the Department of Administration to transfer funds for the payment of the telecommunications services.

HB 2801- Requires the Ethics Commission to furnish copies of all advisory opinions issued by the commission to the Legislature and the Supreme Court law library.

HB 4008- Provides a reorganization bill affecting the Department of Administration which abolishes the Insurance and Retirement Division and creates a new Employee and Insurance Services Division. The new division includes CPRB, PEIA, BRIM, CHIP, the Education and State Employees Grievance Board and the Personnel Division. The bill creates the office of Commissioner of the Division as a political appointment by the Governor and makes the Director of PEIA a professional hire.

HB 4009- Creates a position for a state ADA Coordinator within the Department of Administration.

HB 4020- Protects personal information maintained by the state from inappropriate disclosure.

HB 4084- Establishes a West Virginia Pharmaceutical Availability and Affordability Act to try to lower the cost of prescription drugs.

HB 4134- Substitutes the Governor's Chief Technology Officer as a member of the employee suggestion award board.

[Continued on Page 6](#)

The Positive Side of Stress

While prolonged stress is harmful, challenging situations can be beneficial. A study in Amsterdam showed that when subjects were in a stressful situation where they had some control over the outcome, they had a higher immune function because of it.

Stress makes the body produce adrenaline and the stress hormone cortisol. In short bursts, these hormones improve memory and enhances how nerve cells handle information and store it. Doctors at Northwestern University say bursts of stress or exposure to psychological stress are protective and good for you.

State Capitol History Continued from Page 1

and government met at the Customhouse on Market Street in Wheeling. It was in this building that the Constitutional Convention was held.

It also served as headquarters for Francis H. Pierpont's Restored Government of Virginia. West Virginia's travels began after the first governor was inaugurated in Wheeling in 1870. Through legislative enactment, the seat of government was moved to Charleston where government was housed in a building erected on a site at Lee and Capitol Streets.

The seat of government remained in this Charleston location until 1875 when the Legislature voted to move it back temporarily to Wheeling. For a short time, the Linsly Building housed government until it was moved into a building donated by Wheeling citizens.

In 1877, the Legislature decided to abolish the "Capitol on Wheels" and ordered an election to enable

the citizens of West Virginia to select the site for the permanent Capitol. Clarksburg, Martinsburg and Charleston led in the voting, but Charleston was selected. In May of 1885, officials and their staff were relocated from Wheeling to Charleston.

For the next 36 years, West Virginia's State Capitol was located between Washington and Lee and Capitol and Dickinson streets until it was completely destroyed by fire in 1921. A building referred to as the "Pasteboard Capitol" was completed in February, but on March 2, 1927, it, too, was destroyed by fire.

In Governor Cornwell's message to the Legislature, just nine days after the devastating fire and only weeks prior to the expiration of his term of office, he spoke of the need to 'erect a building of modest size and of fitting design...'

The Legislature adopted Senate Joint Resolution Number Three to raise a commission to procure plans and specifications for the erection of a State Capitol.



Needs for space were assessed, plans drawn and the governor was granted the power by the Legislature to appoint the Capitol Building Commission with subsequent governors exercising the right to retain members and/or appoint new ones. This commission exists today to ensure the State Capitol and its campus structures remain true to original design.

The first decision of the Commission was to choose an architect. Cass Gilbert, who specialized in designing state capitols, was selected because of his credibility and extensive recommendations. His achievements were established in some of the most famous buildings in the country at that time, including the Woolworth Building in New York, which then was the tallest structure in the world.

Also to his credit were the capitol buildings of Minnesota and Arkansas, the United States Treasury Annex and the U.S. Chamber of Commerce. Gilbert was to be paid 6 percent of the total cost and was to be involved in all phases of the project from the site selection through the construction and, if requested,

Continued on Page 4

(Above) Pictured is the southwestern corner of the State Capitol, dated approximately January of 1931.

(Left) Pictured is the unfinished dome of the main unit of the State Capitol building, dated in the early 1930's.

Source: **West Virginia State Archives and History**



Physicians' Mutual Insurance Company Transition



As of July 1, 2004, the Board of Risk and Insurance Management (BRIM) is no longer permitted to issue insurance renewals or new policies to doctors. Last year, Gov. Bob Wise asked the Legislature to enact reforms to address the medical malpractice crisis. It responded with a package that included converting the BRIM HB 601 physician's program to a West Virginia doctor-owned company. Thus, West Virginia's first Physician's Mutual Insurance Company was created.

The state will no longer be at risk for claims against the Physicians' Mutual. Under the provisions of H.B. 2122, \$24 million from tobacco settlement funds and assessments on physicians and insurers will provide the initial capital of \$31 million for the company. The new company must accept all liabilities of the H.B. 601 program that were physician related.

"I am extremely gratified to reach this milestone in the creation of West Virginia's first Physicians' Mutual Insurance

Company, a movement that began three years ago with the passage of HB 601," said Dr. Robert Ghiz, chair of the Physicians' Mutual Company.

BRIM's Executive Director Chuck Jones indicated that the Physicians' Mutual Insurance Company will assume the liabilities, obligations and assets of the BRIM II program for more than 1,400 West Virginia physicians. "We are very proud of the many personnel who worked diligently behind the scenes to assure a smooth transition of this very important program," he said.



Pictured is the construction of the east and west wings of the State Capitol. These sections were erected prior to the construction of the main unit.

Source: **West Virginia State Archives and History**

State Capitol History Continued from Page 1

even design and selection of furnishings.

The selection of a site was the next major decision. The first preference was a tract of land on the south side of the Kanawha River in the South Ruffner district, in the vicinity of the Charleston Area Medical Center and the

University of Charleston. While Gilbert was in favor of this site, there were concerns on the part of Commissioner Fred M. Staunton, a Charleston banker, who owned most of the land in Kanawha City. The commission went with its second choice, 65 pieces of property between Duffy Street and California Avenue. These grounds were once the scene of some of the finer homes of Charleston. While there were enough funds to begin the construction from the sale of previous properties, to ensure the Capitol's completion the Legislature enacted a gross sales tax to raise additional revenue.

Paralleling the initial plans for the Capitol and its complex were plans for a new Governor's Mansion. With Walter F. Martens as its architect, the location was chosen and it was built between 1924-25. It is a Georgian Colonial dwelling with 10 bedrooms and four baths. An enclosed garden was added in 1926 as well as a garage with servant quarters. Although in the original plans, the third story was not included when the Mansion was first built, it was added in 1946.

By the following May, work began on the State Capitol with the West Wing completed in 1926 and the East Wing close behind in 1927. Both wings are 300' x 60' each with four stories and a basement. The exterior walls are built of buff

Indiana-select limestone with the interior walls and flooring of Tennessee marble.

The completion of the Capitol's main unit fell in the midst of the worst economic depression of our nation's history. Only months prior to breaking ground for the domed unit, the New York Stock Exchange collapsed and a severe statewide drought added other financial difficulties. Yet construction continued on schedule.

One of the world's superb examples of Italian Renaissance, its size is 448' x 120' with three stories and a basement. The dome is 292' high x 75' in diameter, lead coated with copper and covered in gold leaf. The interior walls and flooring are of Imperial Danby Vermont marble. Miraculously, the loan was paid in full and the Capitol Building Fund was dissolved at the end of the fiscal year in 1934.

During the final construction phase of the main unit, sadly, Cass Gilbert died leaving his son to complete his work on the improvements to the Capitol grounds and riverbank.

Part two of this series will focus on the other structures located on the Capitol Complex.

State EEO Reveals Courts Require Employees to Promptly Report Workplace Harassment

Most employees of the Department of Administration have attended sexual harassment training offered through the Division of Personnel. Two prevalent cases, *Ellerth* and *Faragher*, that may have been addressed, established a two-step defense for employers in hostile environment harassment cases.

To avoid or limit its liability, the employer must prove that **1]** it exercised reasonable care to prevent and promptly correct the harassment, and **2]** the employee unreasonably failed to take advantage of preventative and corrective opportunities.

In a recent decision from the 11th Circuit Court of Appeals, which covers the southeastern states, the court dismissed an employee's sexual harassment claim because the employee unreasonably failed to protect oneself from the supervisor's advances and failed to timely report the behavior.

The employee alleged that for almost three months she was subjected to severe and pervasive harassment by her supervisor, who worked from his home. Specifically, she alleged that she went to his home on several occasions to discuss work. During the first visit, inappropriate actions and comments were made. She returned to his home several times after which she was allegedly assaulted. A third assault occurred during a sales trip when they were out of town. The employee claimed she was afraid to report the employer's conduct because she feared for her job and safety and that she would have been denied a promotion she had been promised.

In dismissing the claim, the court ruled that the employee could have avoided most, if not all, of the harassment had she reported the conduct immediately after the first incident at the supervisor's home. Despite knowing of the employer's sexual harassment policy, she waited a month after the last incident to report the conduct.

This case is instructive because it shows the importance for an employer to not only have a sexual harassment policy, but to ensure that its employees know its contents and are encouraged to promptly report inappropriate conduct. The case also shows the importance of conducting a prompt and thorough investigation once a claim is reported. The worst thing an employer can do when faced with a claim of harassment is nothing.

From the employee's perspective, the case reinforces that an employee must promptly report the harassing conduct in order to give the employer the chance to correct the problem. If the

employee fails to do so, he/she runs the risk of having the claim dismissed. Much like the lesson for the employer, the worst thing an employee can do when subjected to unwelcome conduct in the workplace is nothing.



[This article was offered by the West Virginia Equal Employment Opportunity (EEO) Office.]

Declaration of Independence: U.S. History

The Declaration of Independence is the most important of all American historical documents.

It is essentially a partisan document, a justification of the American Revolution presented to the world; but its unique combination of general principles and an abstract theory of government with a detailed enumeration of specific grievances and injustices have given it enduring power as one of the great political documents of the West.

After stating its purpose, the opening paragraphs assert the fundamental American ideal of government.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness..."

Source: www.encyclopedia.com



Quotes, Notes & Anecdotes is published by the Department of Administration

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SUMMER VACATION STORIES WANTED

The Good, the Bad, and the Ugly

Share your summer vacation stories with us! Send information to Diane Holley, Public Information Officer, c/o 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305 (telephone: 558-0661; FAX: 558-6026; email: dholley@wvadmin.gov).

2004 Legislative Update
Continued from Page 2

HB 4140- Requires the Ethics Commission to establish a code of conduct for state administrative law judges.

HB 4259- Revises the composition, powers and duties of the Governor's Cabinet on Children and Families.

HB 4655- Gives the West Virginia Children's Health Insurance Agency the right of subrogation.

HB 4750- Relates to the establishment, initial funding and operation of a patient injury compensation fund regarding medical malpractice.

In addition to the bills that passed, there were several resolutions considered that impact the Department of Administration. During the upcoming year, various areas will be studied by the Legislature during its monthly interim meetings.

These areas include grievance boards and administrative law judge systems; the structure of the Division of Personnel; non-profit entities receiving state and federal funds; services and support for disabled persons; the Wage Payment and Collection Act; fraudulent credit card transactions; converting Teachers Defined Contribution Retirement System to Defined Benefit Retirement System; and the implementation of the Pharmaceutical Availability and Affordability Act.

If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imaged, he will meet with success unexpected in common hours.

Henry David Thoreau

Welcome!...to the employees who recently joined our department: **William Dodson** and **Robert Hovatter** (both of General Services), **Karen Adkins** (Finance), **Theresa Kirk** (Ethics) and **Erika Vance** (Purchasing).

Best Wishes...to **Ron Robinson** of the Purchasing Division who recently retired from state government. Best wishes on your retirement, Ron!

Good Luck...to **Robert Maynard** of Information Services and Communications Division who recently resigned from the Department of Administration. Best wishes on your career pursuits!

On the Move...**Tina Holmes** recently transferred from the Consolidated Public Retirement Board as a Public Information Specialist III to IS&C as an Administrative Services Specialist.

PEOPLE TALK

Purchasing Division's Baby News!...The Purchasing Division has had two celebrations recently. Congratulations to **Chester Popham** who is pleased to announce the birth of his son, Tyler Trenton, on May 19. Chester and his wife Nancy also have a daughter, Hailey, who is 3 1/2. In addition, **Jo Ann Dunlap** was happy to welcome her first grandchild, Jose' Antonio "Tony" Toledo, on May 30. This is the first child of Jo Ann's daughter Kellie and her husband, Ulises.

MORE Baby News!...Finance's **Joselyn Casto** welcomed her granddaughter, Madison Morgan Armes, on May 6. Congratulations to the parents, Amber and Jerry, and the entire family.

HAPPY BIRTHDAY ... in July

- | | |
|--|---|
| <p>1 Jeff Bird IS&C Patricia Johns Gen. Svcs. Sharon Pruett CPRB Mike Riggs IS&C</p> <p>3 Rita Workman IS&C Kathy Young CPRB</p> <p>5 Priscilla Bickley PEIA Lora Gray Finance Kristi Shew IS&C Paula Van Horn CPRB Roger Williams IS&C</p> <p>6 Debbie Anderson Personnel Tony Easley Gen. Svcs.</p> <p>8 Michael Belcher IS&C Kim Brown CPRB Robert Norvell IS&C</p> <p>9 Martha Belcher Finance Joseph Savors IS&C Marie Terry PEIA</p> <p>10 Theresa King CPRB</p> <p>11 Crystal Cunnigham PEIA Penney Hall Personnel Kevin Kinder IS&C Candace Moore CPRB Bryan Ramsdell IS&C</p> <p>12 Roger Bailey Gen. Svcs. James Fisher Gen. Svcs. Tina Holmes IS&C John Johnston Purchasing Jack Pullen IS&C Ken Smith Gen. Svcs.</p> <p>13 Joe Jankowski CPRB</p> <p>15 Mable Jones Finance</p> <p>16 Terasa Miller CPRB Margo Perkins PEIA</p> <p>17 Romona Allen WV CHIP</p> | <p>17 Robert Kilpatrick Finance David Pentz Gen. Svcs. Philip Skeen PEIA</p> <p>18 Mary Jane Arvon CPRB Debra Lore IS&C</p> <p>19 Arthur Hendricks Finance</p> <p>21 Heather Atkins Public Defender Lee Ann Halstead PEIA Stacey Shamblin WV CHIP</p> <p>22 Earl Guthrie Gen. Svcs. Rita Withrow Purchasing</p> <p>23 Judie Barnes IS&C Daniel Eddy Gen. Svcs. John Gibson IS&C Michael Michaelson Gen. Svcs. Crickett Powell Grievance Brian Pratt IS&C</p> <p>24 Lori Bailey BRIM Lori Byus IS&C Yvonne Wilhelm Personnel</p> <p>26 Jesse Erby Gen. Svcs. Delores Huffman Personnel Joyce Jeffery IS&C Kim Long PEIA</p> <p>27 Joyce Kinder IS&C Marilyn McMinn BRIM Denise Russe IS&C</p> <p>28 Barbara Beane PEIA Tom Marchio PEIA Ray Richardson IS&C</p> <p>29 Tammy Haynes IS&C Theresa Kline CRPB Mick Olah IS&C Danny Sizemore Gen. Svcs. Barry Williams Gen. Svcs.</p> <p>30 Denise Spatafore Grievance</p> |
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