

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 129.15

DATE: 01 August 2020

SUBJECT: SEVERANCE PAY

POLICY DIRECTIVE

PURPOSE:

To provide guidelines for the statutory requirement of severance pay in cases of involuntary discharge for cause.

REFERENCE:

WV Code §29-6-10(12); WV Division of Personnel Administrative Rule §12.2; and WV Division of Personnel Policy Number: DOP-P19 Severance Pay.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject.

APPLICABILITY:

This Policy is available for general distribution.

DEFINITIONS:

Employee: Any permanent status employee (including probationary employees) of the State of West Virginia working at Central Office, a correctional facility or other work unit within the West Virginia Division of Corrections and Rehabilitation. For the purpose of this policy, this does not include temporary employees, contractors and their employees or volunteers.

Gross Misconduct: Implies a willful disregard of the employer's interest or a wanton disregard of standards of behavior which the employer has a right to expect of its employees.

POLICY:

- I. The *Administrative Rule* of the WV Division of Personnel provides that an appointing authority may dismiss an employee, for cause, after providing the employee with a fifteen (15) calendar-day advance written notice of discharge. The notice shall provide the employee the option of working out the notice period or receiving severance pay in lieu thereof.
- II. The employee is entitled to receive severance pay attributable to time the employee would have worked during the notice period, up to a maximum of fifteen (15) calendar days.
 - A. The work schedule for the DCR, as established by the appointing authority, requires a minimum of forty (40) hours in the designated workweek which consists of seven (7) consecutive twenty-four (24) hour periods.
 - B. Severance pay will therefore be calculated as the separating employee's hourly wage for two (2) separate workweeks, which shall equal eighty (80) hours.
 - C. The separating employee shall also receive the pro rata share of the annual increment to which he or she is entitled.
 - D. The separating employee shall not be paid for holidays or accrue increment pay, annual leave, sick leave or tenure for the period of time for which severance pay is received.
 - E. No deductions from severance pay may be made for contributions toward retirement.
- III. The fifteen (15) calendar-day advance written notice of dismissal and the opportunity to work out the notice period are not required when the employer requires an employee's immediate separation from the workplace due to gross misconduct. In this case the employee is not entitled to severance pay.
- IV. An employee dismissed for job abandonment is not eligible for severance pay, such cause for dismissal being synonymous with resignation.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner


Date