

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 135.01**

**EFFECTIVE DATE: 07 October 2022**

**SUBJECT: TEMPORARY EMPLOYEES**

# **POLICY DIRECTIVE**

---

**PURPOSE:**

To provide guidelines and procedures for the employment of temporary employees consistent with administrative rule and statute.

**REFERENCE:**

WV Code §29-6-4; and 143CSR1 Title 143 Legislative Rule of the West Virginia Division of Personnel.

**RESPONSIBILITY:**

No additional written instructions on this subject are required.

**CANCELLATION:**

Any previous written instruction on the subject including DCR Policy Directive 135.01, dated 01 September 2021.

**APPLICABILITY:**

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution.

**DEFINITIONS:**

**Appointing Authority:** The executive or head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service.

**Classified-Exempt Service:** As established by statute, those positions which satisfy the definitions for “class” and “classify” but which are not covered under the Division of Personnel merit system standards.

**Temporary Employment:** Limited term employment exempt from the classified service.

**POLICY:**

- I. Appointing authorities may employ individuals for a limited period of time in accordance with the provisions of the Division of Personnel Administrative Rule and WV Code §29-6-1 *et seq.* Individuals employed under these provisions are exempt from the classified service.
  - A. Time spent as a temporary employee does not count as tenure or service time for any purpose, including completion of a probationary period if subsequently hired for permanent employment.
  - B. Temporary employees are not paid for holidays, nor accrue annual or sick leave.
  - C. Temporary employees are not eligible to participate in the Public Employees Retirement System (PERS).
- II. Individuals accepting temporary employment shall sign the Temporary Appointment Agreement (**Attachment #1**) provided by the WV Division of Personnel, acknowledging the above.
- III. Superintendents, and work unit supervisors or directors as appropriate, shall ensure temporary employees work hours are monitored to make certain they do not exceed 1,400 hours in a twelve (12) month period. There is no guarantee of a minimum number of hours under this temporary appointment and temporary appointment may end at any time with or without cause.
  - A. Employees accepting a temporary appointment of more than two (2) years will be automatically enrolled in the WV Retirement Plus, 457 Deferred Compensation Plan. Participation is voluntary. If the employee chooses not to participate, they must decline automatic enrollment on the Participation Agreement form.
  - B. Employees who regularly work at least twenty (20) hours a week may be eligible for health insurance benefits through the Affordable Care Act (ACA), Health Insurance Marketplace or Public Employees Insurance Agency (PEIA).
- IV. Temporary employees may be retained in a temporary appointment status while receiving workers' compensation temporary total disability benefits as a result of a personal injury or illness received in the course of and resulting from employment with the State.

**ATTACHMENT(S):**

- #1 Temporary Appointment Agreement (Form DOP-TA1) Revised April 2022

APPROVED SIGNATURE: \_\_\_\_\_

  
Brad Douglas, Acting Commissioner

  
Date



This is to advise you that the employment you are accepting is in a **limited-term temporary** position **not** covered under the merit system administered by the West Virginia Division of Personnel (DOP).

This position has the following restrictions:

1. There is **no guarantee of a minimum number of hours** under this temporary appointment.
2. Your temporary employment may end at any time **with or without cause**.
3. You do **not** have the right of appeal before the State Personnel Board or Public Employees Grievance Board.
4. You will **not** accrue sick leave or annual leave.
5. You will **not** be paid for holidays or other time off due to inclement weather, office closings, etc.
6. Time spent in temporary employment will **not** count as tenure or service time for any purpose.
7. This time **cannot** be counted towards the completion of a probationary period if subsequently hired for permanent employment.
8. In order to be appointed to a position covered by the DOP, it will be necessary for you to be selected from a list of applicants certified from a competitive register unless you have previously been certified permanent under the DOP Merit System and are eligible for reinstatement.
9. You are **not** eligible to participate in the Public Employees Retirement System (PERS).
10. Employees accepting a temporary appointment of more than 2 years will be **automatically enrolled** in the WV Retirement Plus, 457 Deferred Compensation Plan. Participation is **voluntary**. If you choose not to participate in the 457 Deferred Compensation Plan, you must decline automatic enrollment on the Participation Agreement form.
11. Employees who regularly work at least 20 hours a week **may be** eligible for health insurance benefits through the Affordable Care Act (ACA), Health Insurance Marketplace or Public Employees Insurance Agency (PEIA). More information regarding eligibility may be found by visiting the ACA Marketplace website at [Healthcare.gov](http://Healthcare.gov) or by calling the PEIA, FBMC Service Center at (844) 559-8248.

I certify that I have read and understand the above information and agree to:

1. Comply with applicable agency policy and procedures.
2. Keep all sensitive information confidential.
3. At the time of separation, return all property belonging to the State of West Virginia, which I have under my control or in my personal possession.

**Applicant Name Please Print** \_\_\_\_\_

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_