

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, MAY 15, 2012, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, Tom Joyce
- II. PRAYER
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. MINUTES – Regular Council meeting held April 17, 2012
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES (Announcement by the City Clerk that the City Code has been updated through January 2012, and an ordinance will follow in 90 days.)
- VII. MESSAGE FROM THE EXECUTIVE
 - A. Mayor Robert Newell and City Council to recognize Coach Jackson and Parkersburg South Wrestling Team.
 - B. Communication from Mayor Robert Newell re-appointing Mr. Tim Utt, 1537 Willoughby Drive; and Mr. Sean Andrews, 2603 26th Street, to the Downtown Façade Committee for terms to expire January 1, 2015 and April 12, 2015.
 - C. Communication from Mayor Robert Newell re-appointing Betty Modie, 1900 Washington Avenue through Feb. 14, 2005; Debra Conner, 1902 Washington Avenue thru Feb. 14, 2014; and Jan Crego, 1624 Washington Avenue thru Feb. 14, 2015 to the Architectural Review Board.

PUBLIC FORUM

- X. RESOLUTIONS
 - 1. Resolution re-appointing Ms. Shirley Parks, 1000 Laird Avenue, to the Board of Zoning Appeals for a term to expire January 1, 2015. (Sponsored by Councilmen Tallman, Rockhold, Wilcox, Reed, and Sandy.)
 - 2. Resolution authorizing Mayor Robert Newell to sign the grant program contract in the amount of \$7,500.00 awarded through a 2012 Community Participation Program for the Boys and Girls Club. The 10% match will be paid by the Club, and the grant is to repair the basketball and tennis courts and other upgrades. (Sponsored by Councilmen Tallman, Rockhold, Lynch, Reed, and Sandy.)

3. Resolution authorizing Mayor Robert Newell to sign a contract agreement with the State of WV for a grant in the total amount of \$80,000.00, with a local share of \$40,000.00 (in-kind contribution) to be used to construct a restroom at Fort Neal Park. (Sponsored by Councilmen Lynch, Reed, Sandy, Rockhold, and Kimes.)

4. Resolution amending the Rules and Regulations for the Parkersburg Police Department to remove some parts of Chapter 10 that are a duplication of the City of Parkersburg's policies concerning salaries and benefits, and are currently included in City policies or WV State Law or elsewhere. (Sponsored by Councilmen Reed, Sandy, Joyce, and Rockhold)

XII. ADJOURNMENT

NOTE – next Council meeting will be May 22, 2012

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., April 17, 2012

The Council of the City of Parkersburg met Tuesday, April 17, 2012, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg WV 26101.

The meeting was called to order by Council President, Tom Joyce, who presided over the meeting. Councilman Sharyn Tallman led the Lord's Prayer and Pledge of Allegiance, and the clerk noted the attendance, as follows: Those present included Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, Mike Reynolds, John Rockhold, Jim Reed, and Tom Joyce.

MINUTES – Mr. Sandy moved, seconded by Mr. Kimes, to approve the minutes from the regular meeting held April 10, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – There were no reports.

MESSAGE FROM THE EXECUTIVE – the clerk presented a Proclamation by Mayor Robert Newell designating the first week in May as Youth Week, offered by Elk's, USA David N. Roberts, Exalted Ruler.

MOTION – Mr. Kimes moved, seconded by Mr. Sandy, to receive and file the proclamation, and the motion was adopted by unanimous vote.

The clerk presented a communication from Mayor Robert Newell appointing Ms. Linda Florence, 1109 Ann Street, Parkersburg, WV to the Juliana Architectural Review Board through December 31, 2015.

MOTION – Mr. Sandy moved, seconded by Ms. Tallman, to approve the appointment, and the motion was adopted by unanimous vote.

PUBLIC FORUM – No one appeared.

OLD BUSINESS

President Tom Joyce opened the floor to hear and consider any objections to the budget estimates for fiscal year 2012/2013, as required by State law, No one appeared.

MOTION – Mr. Kimes moved, seconded by Ms. Lynch, to receive, file and approve the letter of approval from the State Tax Commissioner for the levy estimates, and the motion was adopted by unanimous vote.

MOTION – Mr. Sandy moved, seconded by Mr. Kimes to lay the levy rates, and the motion was adopted by unanimous vote.

RESOLUTIONS

The Clerk presented a resolution authorizing Mayor Robert Newell to submit a grant to the JAG program, \$28,838.00, (no match) for the Police Department to purchase police radios.

MOTION – Mr. Reynolds moved, seconded by Mr. Reed, to adopt the resolution.

Ms. Tallman asked is this grant was in next years fiscal budget 2012/2013, and Chief Joe Martin stated no it was not in new budget.

Mr. Joyce asked if these radios where repeater radios, and Chief Joe Martin stated no, that it would be replacing old radios and communicator equipment on Quincy Hill tower.

VOTE – The motion was adopted by unanimous vote.

The Clerk presented a resolution authorizing Mayor Robert Newell to submit a grant request in the amount of \$25,000.00 for arson training and equipment for the Fire Department, and \$25,000.00 for fire safety education, 10% match required.

MOTION – Mr. Reed moved, seconded by Ms. Wilcox to adopt the resolution.

Mr. Reynolds asked what kind of training and equipment, and Chief Eric Taylor stated that it would be for arson training, equipment for detecting accelerates, smoke detectors and educating people with disabilities about fire safety.

Ms. Tallman asked if this grant could be used to educate the public about smoke detectors, and Chief Eric Taylor stated that it could be used but with income restriction.

VOTE – The motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

AN ORDINANCE TO REZONE THE SOUTHERLY HALF OF CITY TAX MAP
62, PARCEL 301 (FORMERLY PARCELS 302, 303, 304, 305, 314, 314A,
315, 316 AND PART OF C) FROM A RESIDENTIAL (R-4) ZONE
TO A BUSINESS (B-2) ZONE

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA. April 17, 2012

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 1635-08

AN ORDINANCE TO REZONE THE SOUTHERLY HALF OF CITY TAX MAP 62, PARCEL 301 (FORMERLY PARCELS 302, 303, 304, 305, 314, 314A, 315, 316 AND PART OF C) FROM A RESIDENTIAL (R-4) ZONE TO A BUSINESS (B-2) ZONE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the following parcels of real estate situated in the City of Parkersburg, Wood County, West Virginia, be designated as a Business (B-2) Zone:

Being situated in the City of Parkersburg, County of Wood, State of West Virginia, and being more particularly described as follows:

Being the southerly 1.215 Acre portion of the 2.33 Acre parcel of land conveyed to Terry R. Wyatt as recorded in Deed Book 1170, Page 405, in the office of the Clerk of the County Commission of Wood County, West Virginia, said 1.215 Acre portion is currently zoned R -4 and is to be changed to a B-2 zone, thus making the entire 2.33 Acre parcel a B-2 zone.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, reference is being made to a plat of this property prepared by Matthew B. Harper, Professional Surveyor No. 989, reference job number 2011020, attached hereto and made part of this description.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the zoning of said parcels shall be designated as C-204 and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

MOTION – Mr. Reynolds moved, seconded by Ms. Wilcox, to adopt the ordinance on final reading, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:40 PM



City Clerk

Council President

Mayor Robert D. Newell



CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P.O. BOX 1627
PARKERSBURG, WV 26102

May 7, 2012

Members of Parkersburg City Council
Parkersburg WV 26101

Dear Councilmen:

Two terms have expired on the Downtown Façade Committee, and I hereby re-appoint Mr. Tim Utt, 1537 Willoughby Drive for a term to expire January 1, 2015; and Mr. Sean Andrews, 2603 26th Street, for a term to expire April 12, 2015.

I would appreciate your confirmation of these re-appointments when you meet May 15, 2012.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Robert D. Newell". The signature is fluid and cursive.

Robert D. Newell
Mayor

RDN:cs

RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Ms. Shirley Parks, Council District #4, 1000 Laird Avenue, be re-appointed to the Board of Zoning Appeals for a term to expire January 1, 2015.

Sponsored by Councilmen Tallman, Rockhold, Wilcox, Reed and Sandy

RESOLUTION

WHEREAS the Boys and Girls Club of Parkersburg has a long tradition of providing a safe and positive place for youth and has contributed towards the quality of life for citizens of the City of Parkersburg and the Mid-Ohio Valley; and

WHEREAS the State of West Virginia through the 2012 Community Participation Program has awarded the Boys and Girls Club of Parkersburg through the City of Parkersburg a grant for \$7,500 which requires a 10% match of \$750 which will be used to repair the basketball and tennis courts including the fences and other upgrades to their facility as funds will allow; and

WHEREAS the 10% match will be provided by the Boys and Girls Club of Parkersburg.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG that the City accepts all the terms and conditions of the contract with the West Virginia Development Office and authorizes Mayor Robert D. Newell to sign the grant program contract; and

BE IT FURTHER RESOLVED that the Finance Director make the appropriate budget revisions.

Sponsored by: Councilmen Tallman, Rockhold, Lynch, Reed and Sandy

RESOLUTION



Be It Resolved By the City Council of the City of Parkersburg that Mayor Robert D. Newell is hereby authorized to sign a contract agreement with the State of West Virginia for a Land and Water Conservation Fund Grant Assistance award in the total amount of \$80,000 with a local share of \$40,000 which will be used to construct restroom facilities at Fort Neal Park.

Be It Furthered Resolve that the City of Parkersburg agrees to abide by all rules and regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the Park for public use under the requirements of the Land and Water Conservation Fund.

Sponsored by Councilmen Lynch, Reed, and Sandy and Rockhold

**RESOLUTION AMENDING CHAPTER 10, OF THE
RULES AND REGULATIONS, POLICIES AND PROCEDURES
OF THE PARKERSBURG CITY POLICE**

Be It Resolved By The Council Of The City Of Parkersburg that Chapter 10, Compensation, Benefits, Conditions of Work of the Rules and Regulations, Policies and Procedures of the Parkersburg Police Department be amended with the removal of the following in their entirety.

Section 10.1, Compensation;
Subsections 10.2.1, Leave of Absence;
Subsections 10.2.2, Personnel Programs;
Subsections 10.2.3, Support Services;
Subpart H, Benefits Coordinator of subsection 10.2.4, Support Services
Following Line of Duty, Death or Serious Injury;
Subsection 10.2.5, Clothing Allowance; and
Subsection 10.2.6, Employee Assistance Program.

Sponsored by: Councilmen Reed, Joyce, Sandy,
Wilcox and Rockhold

The above sections, subsections and subparts are either contained within and are part of the City of Parkersburg Personnel Policy and Procedure Manual, City Code, Ordinance or State Law and are therefore here duplicious and unneeded.

Chapter 10 Compensation Benefits Conditions of Work

10.1 Compensation:

10.1.1 Salary Program:

I. Entry Level Salaries: (Effective March 10, 2008)

A. Officers:

1. Patrolman: \$14.42 hour
2. Patrolman First Class: \$14.92 hour
3. Police Sergeant: \$16.35 hour
4. Police Lieutenant: \$17.79 hour
5. Police Captain: \$19.23 hour

B. Civilian Personnel:

1. Parking Enforcement Assistant: \$18,720
2. Public Safety Tele-communicator: \$20,800
3. Police Clerk: \$21,840
4. Parking Office Assistant: \$21,840
5. Public Safety Tele-communicator TAC: \$22,880
6. Administrative Assistant: \$22,880
7. Senior Police Clerk: \$ 22,880
8. Parking Facilities Supervisor: \$26,000
9. Evidence Technician: \$27,040

10. Juvenile Service Specialist: \$35,500

II. Salary Differential Between Ranks:

- A. Patrolman to Patrolman First Class: \$.50 per hour/\$1,040 annually
- B. Police Sergeant: \$1.43 per hour/\$2,974 annually
- C. Police Lieutenant: \$1.44 per hour/\$2,995 annually
- D. Police Captain: \$1.44 per hour/\$2,995 annually

III. Longevity Increases:

- A. All Department personnel shall effective July 1st, 2008 (not retroactive) receive \$.30 per hour for every year of completed service.
- B. Longevity increases shall be received on the employee's anniversary of their hire date.

IV. Compensatory Time Policy:

- A. All compensatory time shall be paid at a rate of one and one-half (1-1/2) hours off for each one (1) hour worked.
- B. The maximum amount of compensatory time which may be accrued shall be forty (40) hours.
- C. Employees who accrue the maximum number of compensatory hour shall be paid overtime compensation for any additional overtime hours worked.

V. Overtime Policy:

The City of Parkersburg shall follow at least the minimum provisions of the Fair Labor and Standards act (FLSA) in regard to overtime policies.

- A. Non-exempt/Career Service Employees and forty (40) hour Civil Service employees shall be paid one and one-half their regular hourly rate for hours actually worked in excess of 40 hours per work week.
- B. Officers shall receive overtime compensation pay for all work involving state and federal grants.
- C. Officers shall be paid or receive compensatory time off at the one and one-half rate for two hours or actual time worked for court time.

- D. When emergency call-out situations for extra work occur employees shall be paid or provided compensatory time off, at the one and one-half rate for three hours or actual time worked, whichever is greater. Time worked during any additional call-outs shall be added to the hours previously worked and paid, or accrue compensatory time off, at the overtime rate. Any call-outs after the original three-hour call-out period will initiate a new three-hour call-out period.
- E. If an employee is notified prior to quitting time that they are required to continue past their scheduled quitting time, said employee shall receive overtime pay calculated in accordance with the standard overtime policy as provided in the Fair Labor Standards Act.
- F. If an employee is notified in advance that they are required to work overtime, due to previously scheduled events, (such as shift coverage for employees on pre-approved leave, homecoming, etc.), said employee shall receive overtime pay calculated in accordance with the standard overtime policy as provided in the Fair Labor Standards Act.
- G. Officers shall receive overtime compensation or compensatory time-off for all mandatory training.
- H. Any overtime worked on a holiday shall be paid at an effective rate of double time the regular rate of pay.

10.2 Benefits:

10.2.1 Leaves of Absence:

I. Definitions:

- A. **Leave of Absence:** A period of time during which an Officer is excused from duty.
- B. **Annual Leave:** A period of rest and freedom from work, with pay, during which an Officer is excused from duty and compensated in accordance with established procedures.
- C. **Family and Medical Leave:** A federal law that requires employers to provide an employee with 12 weeks of unpaid leave during a year's time for the birth or adoption of a child, family health needs or personal illness. The employer must allow the employee to return to the same position or a position similar to that held before taking the leave.
- D. **Sick Leave:** That period during which an employee is excused from duty, with pay, while afflicted with an illness or injury.

- E. Unauthorized Leave:** That period during which an employee is absent from duty without proper authorization. An employee in an unauthorized leave status is subject to disciplinary action as outlined in Chapter 12 of the Parkersburg Police Department's Policies, Procedures and Rules, Regulations Manual.
- F. Funeral Leave:** That period of time during which an Officer is excused from duty to attend funeral services, or make funeral arrangements, etc. for the death of certain specified family members.
- G. Jury Duty Leave:** That period of time which an employee is excused from duty for jury service.
- H. Military Leave:** That period of time during which an employee is excused from duty to serve National Guard or Reserve units.
- I. Holiday:** A day set aside by law or custom for the suspension of business usually in commemoration of some event.
- J. Election Day:** A day set aside for choosing individuals for office by means of voting.
- K. Compensatory Time Off:** A period of time during which an employee is excused from duty for accrued overtime, training or election days, etc... as determined by Department policy.

II. Administrative Leave:

- A. Funeral Leave:** Employees shall be granted leave with pay for the death of a family member:
1. Family member for this policy shall include an employee's spouse, child, step-child, parent, step-parent, brother, sister, grandchild, grandparent, parent-in-law, or other relative residing in the employee's household.
 2. Such leave shall be granted for up to three (3) workdays, excluding holidays and scheduled days off.
 3. If additional time is needed, the employee shall use vacation leave, compensatory time leave or holiday equal time off leave.
 4. In the case of the death of other relatives (aunt, uncle, niece, nephew, cousin or other step-relative) the employee shall be permitted time-off to attend the funeral, not to exceed eight (8) hours.

5. Proof of death and relationship of the deceased may be required.

B. Military Leave:

1. Short-Term Military Leave:

- a. Short-term military leave with pay and full benefits is granted for training or short periods of active service, thirty (30) working days per calendar year in the National Guard of Reserve component of the armed forces when a member is ordered, by properly designated authority, to engage in such service.
- b. This leave is granted to provide for military service which does not exceed thirty (30) working days in a calendar year.
- c. To qualify for pay and benefits, the employee must submit their orders to their supervisor prior to reporting for training or duty.
- d. For the purpose of computing vacation or sick leave, short-term military leave will count as full service with the city of Parkersburg.

2. Extended Military Leave:

- a. Extended Military Leave is granted those employees who are ordered or called to active duty by the properly designated federal authority for active military service or those who enlist. Such leave is without pay or benefits except that an employee who is ordered or called to active duty shall receive pay and benefits for a maximum period of thirty (30) working days for a single such call to active duty: Provided, that an employee so ordered or called to active duty who has not used all or some portion of the thirty (30) working days of short-term military leave granted per subsection 1 above shall be entitled to add the number of unused days from that calendar year to the thirty (30) working days by this subsection up to a maximum of sixty (60) days for a single order or call to active duty: Provided, however, none of the unused days of short-term military leave granted by subsection 1 may be carried over and used in the next calendar year. Further, such employee who is so order or called to active duty (and his/her dependents) shall continue to receive such medical and hospital insurance coverage as may be in effect and provide to other city employees, which health care coverage shall extend for a total maximum period of twelve (12) months and which twelve (12) months shall include any applicable period of coverage under the thirty (30) days plus thirty (30) day periods hereinbefore set forth above: Provided,

however, that in no event shall such extended health care benefit continue after said member obtains or receives health care coverage through the federal authorities or the military.

- b. If a unit of the National Guard or Reserve is ordered into active service, these rules will apply at the end of the thirty (30) days as provide under short-term military leave.
- c. An employee shall be entitled to paid leave (special) in order to receive a physical examination for compulsory military service in the Armed Forces of the United States. Employees shall be entitled to such leave for period not to exceed three (3) days. Employees wishing to enlist shall be permitted to take no more than one (1) day paid leave for an enlistment physical. Written evidence of the number of necessary days of absence may be required if there is a question concerning the length of the absence.
- d. Upon return from extended military leave, employees will be returned to their former position or one of like responsibility. Application for return from leave must be made to the personnel department within sixty (60) days of discharge.
- e. Replacements for employees leaving on Extended Military Leave shall be hired with permanent status, but are subject to lay-off when the employee on military leave returns.
- f. When an employee who has been on extended military leave returns, the employee shall receive any wage adjustments and step increases that would be due as though the employee had been actively on the payroll.
- g. A leave of absence form shall be submitted when employees leave on an Extended Military Leave. A *Personnel Action Form* shall be submitted when the employee returns from leave.
- h. Vacation and sick leave shall not accumulate during Extended Military Leave.

C. Jury Duty Leave:

Employees required to serve on a jury shall be excused from work for the time required for such service. Employees shall provide their supervisor with notice of such jury service and the date thereof. Employees shall be paid their regular rate of pay, less jury pay.

D. Family and Medical Leave:

1. The City of Parkersburg is mandated by Federal law to comply with the provisions of the *Family and Medical Leave Act of 1993*, as follows:
 - a. "Eligible employees" are those who have been employed for at least 12 months, and who provided at least 1,250 hours of service during the 12 months before leave is requested.
 - b. An eligible employee is entitled to 12 unpaid/paid workweeks of leave during any 12 month period for the following circumstances:
 - i. The birth or placement for adoption or foster care of a child;
 - ii. A serious health condition of a spouse, child, or parent;
 - iii. An employee's own serious health condition.
2. Leave may be taken for the birth or placement of a child only within 12 months of that birth or placement.
3. Under certain circumstances, leave may be taken intermittently or on a "reduced leave schedule".
4. The 12 month period in which the 12 weeks of leave entitlement occurs shall be measured forward from the date any employee's first FMLA leave begins. An employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12 month period would begin the date FMLA leave is taken after completion of any previous 12 month period.
5. When both employees are employed by the City of Parkersburg, they are jointly entitled to a combined total of twelve (12) workweeks of family leave for the birth or placement for adoption or foster care, or for a parent who has a serious health condition. Each employee shall be eligible for twelve (12) workweeks for their own illness.
6. Intermittent or reduced leave for family reasons (leave to care for a newborn or newly adopted baby) can be taken only if the employer and employee agree to the arrangement. However, employees may take medical leave intermittently or on a reduced leave schedule "when medically necessary"—without obtaining the permission of the employer.
7. "Serious health condition" is defined as an illness, injury, impairment, physical or mental condition involving either inpatient care or

continuing treatment by a health by a health condition or that of a family member to the City in a timely manner.

8. Employees requesting leave under the Family and Medical Leave Act shall first use their paid sick leave and vacation leave as part of the 12 week leave provided in the law.
9. Employees taking leave are entitled to receive health benefits while they are on unpaid leave under the same terms and conditions as when they were on the job.
10. Employees taking leave are entitled to return to their previous or an equivalent position with no loss of benefits at the end of the leave, although the law provides a limited exception from the restoration provisions to certain highly paid employees.
11. Leave will not result in the loss of any previously accrued seniority or employment benefits, but no benefits will accrue during the leave.
12. "Key employees" are employees who are in the highest-paid 10 percent of the employer's workforce. An employer may deny restoration if returning one of those employees to work cause "substantial and grievous economic injury" to the employer's business. A "key employee" who takes leave is still eligible for continuation of health benefits, even if the employee has been notified that reinstatement will be denied.

E. Extended Medical Leave:

Extended medical leave may be granted to an employee who has exhausted the leave provisions under the Family and Medical Leave Act, but has balances remaining in their paid leave benefits (sick leave, vacation leave, compensatory leave and holiday equal time off leave). Requests for extended medical leave shall be submitted to the personnel director in writing, along with medical evidence in the form of a physician's statement. The physician's statement shall include a diagnosis, prognosis, and expected date when the illness or disability will no longer exist or no longer hamper the employee from performing their regular duties. Requests for extended medical leave must be approved by the Mayor, Chief of Police and personnel director. If the employee is unable to return to work after the exhaustion of all paid leave benefits, said individual's employment with the City shall be concluded.

III. Holiday Leave:

A. Legal Holiday Designation:

1. Legal Holidays for employees of the City of Parkersburg are designated by West Virginia State Code as follows:

West Virginia Code §2-2-1. Legal holidays; official acts or court proceedings.

(a) The following days are legal holidays:

- (1) The first day of January is "New Year's Day";
- (2) The third Monday of January is "Martin Luther King's Birthday";
- (3) The third Monday of February is "Presidents' Day";
- (4) The last Monday in May is "Memorial Day";
- (5) The twentieth day of June is "West Virginia Day";
- (6) The fourth day of July is "Independence Day";
- (7) The first Monday of September is "Labor Day";
- (8) The second Monday of October is "Columbus Day";
- (9) The eleventh day of November is "Veterans' Day";
- (10) The fourth Thursday of November is "Thanksgiving Day";
- (11) The day after Thanksgiving Day is "Lincoln's Day";
- (12) The twenty-fifth day of December is "Christmas Day";
- (13) Any day on which a general, primary or special election is held is a holiday throughout the state, a political subdivision of the state, a district or an incorporated city, town or village in which the election is conducted;
- (14) General election day on even years shall be designated Susan B. Anthony Day, in accordance with the provisions of subsection (b), section one-a of this article; and
- (15) Any day proclaimed or ordered by the Governor or the President of the United States as a day of special observance or Thanksgiving, or a day for the general cessation of business, is a holiday.

(b) If a holiday otherwise described in subsection (a) of this section falls on a Sunday; then the following Monday is the legal holiday. If a

holiday otherwise described in subsection (a) of this section falls on a Saturday, then the preceding Friday is the legal holiday. *Provided*, That this subsection (b) shall not apply to subdivisions (13), (14) and (15), subsection (a) of this section.

(c) Any day or part thereof designated by the Governor as time off, without charge against accrued annual leave, for state employees statewide may also be time off for county employees if the county commission elects to designate the day or part thereof as time off, without charge against accrued annual leave for county employees. Any entire or part statewide day off designated by the Governor may, for all courts, be treated as if it were a legal holiday.

(d) In computing any period of time prescribed by any applicable provision of this code or any legislative rule or other administrative rule or regulation promulgated pursuant to the provisions of this code, the day of the act, event, default or omission from which the applicable period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, a Sunday, a legal holiday or a designated day off in which event the prescribed period of time runs until the end of the next day that is not a Saturday, Sunday, legal holiday or designated day off.

(e) If any applicable provision of this code or any legislative rule or other administrative rule or regulation promulgated pursuant to the provisions of this code designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off.

(f) With regard to the courts of this state, the computation of periods of time, the specific dates or days when an act, event, default or omission is required or allowed to occur and the relationship of those time periods and dates to Saturdays, Sundays, legal holidays, or days designated as weather or other emergency days pursuant to section two of this article are governed by rules promulgated by the Supreme Court of Appeals.

(g) The provisions of this section do not increase or diminish the legal school holidays provided in section two, article five, chapter eighteen-a of this code.¹

¹ West Virginia Code

2. The City of Parkersburg, by ordinance, has established one-half day holiday for Christmas Eve.

B. Holiday Pay Sworn Members:

1. Officers who are required to work during a legal holiday, or if a legal holiday falls on their regularly scheduled day off, shall receive equal time off in lieu of holiday pay.
2. Sick leave is not considered a regular scheduled day off, therefore, Officers on sick leave on a holiday shall not receive equal time off for the holiday.
3. Holiday equal time off earned during the period June 1st to November 30th must be used within that period or cash payment will be made on any excess over 100 total accrued holiday hours. Holiday equal time off earned during the period December 1st to May 31st must be used within that period or cash payment will be made on any excess over 100 total accrued holiday hours. The maximum accrued holiday hours that may be held or banked by any civil service employee shall not exceed 100 hours total after payment for said excess.²

C. Holiday Pay-Civilian Employees:

1. Employees covered herein who are not scheduled to work on the holiday shall be paid for eight (8) hours holiday pay or ten (10) hours holiday pay at applicable straight time, depending on their shift schedule.
2. Employees covered herein who work on a holiday shall be paid straight time for all hours worked within their regular work schedule and shall be paid eight (8) hours holiday pay or ten (10) hours holiday pay, depending on their shift schedule.
3. If the holiday falls within the employees regular work schedule and the employee is not required to work on the holiday, then the holiday hours shall be considered and counted as "working hours" for the purposes of computing overtime pay. If the holiday falls outside the employees regular work schedule the holiday hours will be paid at applicable straight time.
4. Civilian employees on sick leave on a holiday shall not receive holiday pay.

² City of Parkersburg Personnel Policy and Procedure Manual, revised 09/11/07

IV. Sick Leave:

A. **Purpose:** The purpose of sick leave is to insure employees against loss of pay due to illness or injury, any other use of sick leave is fraudulent and disciplinary action may be taken.

B. Accrual:

1. Permanent full-time career-service employees shall accrue sick leave at the rate of 3.69 hours per pay period (1 day per month).
2. Police civil service employees on a 40-hour work week schedule shall accumulate sick leave at the rate of 8 hours (1 day) per month.

C. Conversion of Sick Leave Hours:

1. Permanent full-time career service employees at age/service retirement, disability retirement, or deferred retirement (after twenty years service) shall receive seventy-five (75%) percent of accrued sick leave accumulated prior to July 1, 1987, up to the maximum of 1200 hours (150 days) or 1800 hours (150 12-hour days) at the rate of pay being received as of December 31, 1996. Subsequent to July 1, 1987, all sick leave shall be utilized on a last-in, first-out basis. Sick leave must first be deducted from any post-July 1, 1987, accrual and if that accrual bank is depleted then sick leave shall be deducted from the pre-July 1, 1987, accrual bank.
2. Police Civil Service employees at age/service retirement, disability retirement, or deferred retirement (after twenty years service) shall receive seventy-five (75%) percent of accrued sick leave accumulated prior to January 1, 1997, up to the maximum of 1200 hours (150 days) at the rate of pay being received as of December 31, 1996. Subsequent to January 1, 1997, all sick leave shall be utilized on a last-in, first-out basis. Sick leave must first be deducted from any post-January 1, 1997, accrual and if that accrual bank is depleted then sick leave will be deducted from the pre-January 1, 1997, accrual bank.
3. Any sick leave balance remaining after the seventy-five (75%) percent conversion at age/service retirement, disability retirement, or deferred retirement (after twenty years service) shall be converted as follows:
 - a. Civilian employees who are members of the West Virginia Public Employees Retirement System may elect to acquire additional credited service under the Public Employees Retirement System at a rate of one month service credit for each ten days of unused sick leave. (However, such credited service shall not be used in

meeting initial eligibility for retirement.); or they may elect to use such leave to purchase health insurance as follows:

- i. Policyholder only health insurance coverage may convert three (3) days of sick leave for one (1) month's premium up to a maximum number of months as established under PEIA PPB Plan A (25 or more years of service, tobacco free).
- ii. Policyholder with non-medicare dependents health insurance coverage may convert five (5) days of sick leave for one (1) month's premium up to a maximum number of months as established under PEIA PPB Plan A (25 or more years of service – tobacco free).
- iii. Three (3) years, 36 months or until the policyholder is eligible for Medicare coverage is the maximum conversion available.
- iv. Sick leave days shall not be prorated.
- v. Unused leave cannot be used for both options.

b. Officers may elect to use unused sick leave to purchase health insurance as follows:

- i. Officers with policyholder only health insurance coverage may convert three (3) days of sick leave for one (1) month's premium up to a maximum based upon the current rate under the PEIA PPB Plan A (25 or more years of service – tobacco free).
- ii. Officers with non-medicare dependants health insurance coverage may convert five (5) days of sick leave for one (1) month's premium up to a maximum based upon the current rate under the PEIA PPB Plan A (25 or more years of service – tobacco free).
- iii. The maximum conversion is three (3) years or until the policyholder is eligible for medicare coverage.
- iv. Officers sick days shall be based on 8-hour days.

D. Restrictions on Accrual of Sick Leave:

An employee shall not earn sick leave during an absence in excess of two weeks, excluding vacations. Sick leave shall not be granted an employee whose absence from duty is a result of misconduct. Absence for such

cause shall be reported as absence without leave, and shall subject the employee to disciplinary action.

E. Qualifying for Sick Leave.

Sick leave may be granted an employee for the following reasons:

1. Injury or illness of the employee. Employees shall be permitted forty (40) hours of sick leave in a calendar year without a physician's statement. Additional absences shall require a physician's statement. Any absence in excess of two (2) consecutive days shall require a physician's statement upon return to work.
2. Employees on extended sick leave (two weeks or more) are entitled to and shall apply for leave under The Family and Medical Leave Act. All paid leave benefits run concurrently with FMLA.
3. Employees may use up to 12 hours of accrued sick leave during the calendar year for medically related activities of the employee or the employees immediate family (spouse, child or parent). Medically related activities include physician appointments, medical examinations, medical testing, dental appointments, etc. that cannot be scheduled during non-work hours. Such absences shall be taken in hourly increments and shall require prior approval of the employee's supervisor. The authorized use of sick leave hours under this paragraph do not count toward the 40 hours standard under paragraph E-1 above.

Any employee with a medical condition that requires on-going and /or regular but intermittent medical treatment may submit a request, along with medical documentation, for an extension of the 12-hour limitation provided above. The department head and personnel director must approve said request prior to any such extended use.

4. Sick leave for the immediate family of the employee (spouse, child or parent) is limited to the following:
 - a. Sick leave, not to exceed one day) on the day of surgery involving the employee's immediate family. Physician's statement is required upon return to work.
 - b. Employees may use one-day sick leave on the day of their child's birth, and one-day sick leave on the day the child is brought home from the hospital; on the employees scheduled workday.
 - c. Eligible employees are entitled to leave under The Family and Medical Leave Act because of the birth or placement for adoption

or foster care of a child. (Contained in the City of Parkersburg's Personnel Policy.)

d. Eligible employees are entitled to leave under The Family and Medical Leave Act because of the serious health condition of a spouse, child or parent. (Contained in the City of Parkersburg's Personnel Policy.)

5. Employees must use accrued vacation leave, compensatory time leave or holiday equal time off leave for any absences not covered above.

6. Disciplinary action shall be taken against employees guilty of submitting a false claim or abusing sick leave up to and including discharge.

F. Qualifying for Sick Leave Pay:

1. In order to qualify for sick pay, the employee must notify their supervisor that they are ill or injured or has a qualified family emergency and will not be in to work. This must be done before the established starting time of work or as soon as possible thereafter. At this time the supervisor must be informed as to the length of time the employee expects to be absent from work. If the absence extends beyond this expected length of absence, the employee shall again notify their supervisor in the above-styled manner. An unreported absence shall be considered unexcused and no sick day shall be granted for the absence. A period of three consecutive unreported and/or unexcused absences shall be considered an automatic resignation.

2. When an employee reports off sick, the supervisor may contact the employee, either in person or by telephone, sometime during the scheduled eight-hour work period. Information relating to the contact shall be noted by the supervisor with the date and time contacted and any remarks that the supervisor might have. The supervisor, at their discretion can check the employee more than one time during the scheduled eight-hour work period.

G. Supervisor's Responsibility:

1. Control of sick leave abuse shall be the responsibility of the supervisor who shall judge each case of sick leave on its individual merit. Whenever abuse of sick leave is found, disciplinary procedures shall be implemented.

2. The Chief of Police may require a physical examination of employees at any time to determine if the employee is physically capable of job

performance. Employees determined to be physically incapable may be transferred, demoted, retired on disability, or removed from city service depending upon the physician's recommendation.

V. Leave Donation Program:

A. The City has established a Leave Donation Program to assist employees faced with a medical emergency. The Leave Donation Program allows employees to voluntarily transfer accrued vacation hours to another qualified employee who has exhausted all of their paid leave.

B. Definitions:

1. **Vacation Leave:** An earned employee benefit of paid time off from work.
2. **Dollar Value of Vacation Leave:** The hourly rate of an employee multiplied by the number of hours of vacation leave.
3. **Donor:** An employee who voluntarily donates accrued vacation leave to a recipient.
4. **Hourly Rate:** The total annual base salary for a full-time employee divided by 2,080 hours.
5. **Immediate Family:** The immediate family consists of the spouse, child or parent.
6. **Medical Emergency:** A medical condition of an employee or a member of the employee's immediate family that is likely to require the prolonged absence of the employee from work and which will result in a substantial loss of income to the employee because of the unavailability of paid leave.
7. **Recipient:** An employee who receives vacation leave donations from other employees.
8. **Substantial Loss of Income:** An amount greater than or equal to one-half month of an employee's base pay.

C. Eligibility:

1. **Recipient Eligibility:** In order to be eligible to receive donations of vacation leave, an employee must meet the following conditions:

- a. Apply and be approved for leave under The Family and Medical Leave Act.
 - b. The employee shall have a medical emergency involving a medical condition of the employee or a member of the employee's immediate family;
 - c. The employee shall have exhausted sick leave and all vacation leave as well as any other accrued paid leave to which the employee is entitled;
 - d. The medical condition of the employee or the member of the employee's immediate family must be verified in writing by a physician or medical practitioner as requiring the absence of the employee from work for at least one-half a month continuously after the exhaustion of available leave as specified above;
 - e. The employee must apply to receive donated leave. If, because of the nature of an employee's medical condition, the employee is unable to apply to receive donated leave, the application may be made by a member of the employee's immediate family or by the Chief of Police.
 - f. The employee must not be receiving or be eligible to receive compensation for their absence from work from the Workers' Compensation Fund, nor may the employee be receiving Social Security Disability benefits for their absence from work.
2. Donor Eligibility: In order to be eligible to make donations of vacation leave, an employee must meet the following conditions: The employee must have a remaining balance of 80 hours of accrued sick and/or vacation leave after making the vacation leave donation.
 3. Recipient Status: Employees who are recipients of donated leave are considered in leave in accordance with The Family and Medical Leave Act. All paid benefits and leave donation benefits run concurrently with leave under The Family and Medical Leave Act.
 4. The following restrictions regarding benefits shall apply to recipients.
 - a. Recipients do not accrue annual or sick leave, nor do they earn years of service credit for leave accrual purposes, while in this status;
 - b. Recipients are not eligible for paid holidays while in this status;

- c. Recipients do not earn service credit for purposes of order of separation on layoff while in this status;
 - d. Recipients do not earn service credit for purposes of an annual increment while in this status;
 - e. Recipients do not earn service credit for any retirement system offered by the City of Parkersburg or administered by the State of West Virginia while in this status; and
 - f. Paid medical insurance shall be provided to the recipient for a period equal to the period of such leave under The Family and Medical Leave Act.
5. All donations of vacation leave and the use of donated leave is governed by the following criteria:
- a. Method of Donations:
 - i. Donations shall be in the form of whole hours of vacation leave only.
 - ii. Donors shall specifically designate the recipient(s) of the leave donation.
 - iii. The City shall deduct the total donation from the vacation leave balance of the donor upon receipt of the donation form.
 - b. Use of Donated Leave:
 - i. Donated leave shall be used at its present dollar value.
 - ii. A recipient's use of donated leave shall cease under the following circumstances:
 - If the recipient, for any reason, ceases employment with the City of Parkersburg;
 - If the recipient voluntarily requests termination of the use of donated leave;
 - If the recipient fails to provide the required physician's verification or otherwise fails or ceases to meet eligibility requirements;
 - Upon the exhaustion of the total dollar value of all leave

donated to the recipient;

- Upon expiration of the leave provided under The Family and Medical Leave Act; or

- Upon the recipient's return to work.

iv. Any unused leave donation shall be returned to the donors and re-credited to their vacation leave balance on a pro-rated basis.

VI. Annual Leave:

A. Accrual:

1. Schedule A:

a. Each Officer hired prior to July 1, 1992, shall earn annual leave with credit annually as follows:

Years of Service:	Bimonthly:	Annually:
1 thru 4	3.08 hours	10 days
5 thru 9	4.62 hours	15 days
10 thru 14	6.15 hours	20 days
15 thru 19	7.69 hours	25 days
20 or more	9.23 hours	30 days

b. Leave Carry-Over:

i. Police civil service employees hired prior to July 1, 1992, may carry-over ten (10) days of annual leave to the following year. Provided. However, that no employee shall accrue more than their total annual leave plus the ten (10) day carry-over.

ii. Officers shall earn annual leave credits from the date of hire and shall become eligible to take annual leave vacation for annual leave hours accrued.

iii. The hours of accrued annual leave shall be maintained by the Personnel Director.

2. Schedule B:

a. Each officer hired on or after July 1, 1992, shall earn annual leave with credit annually as follows:

Years of Service:	Bimonthly:	Annually:
--------------------------	-------------------	------------------

1 thru 4	3.08 hours	10 days
5 thru 9	4.62 hours	15 days
10 or more	6.15 hours	20 days

b. Leave Carry-over:

- i. Police civil service employees hired on or after July 1, 1992, may carry-over five (5) days of annual leave to the following year. Provided, however, that no employee shall accrue more than their total annual leave plus the five (5) day carry-over.
- ii. Officers shall earn annual leave credits from the date of hire and shall become eligible to take annual leave vacation for annual leave hours accrued.
- iii. The hours of accrued annual leave shall be maintained by the Personnel Director.

B. Scheduling:

1. Annual leave shall be authorized to be taken by the Chief of Police after first being approved by the requesting officer's Shift Commander. Every effort should be made to grant the officer's request; however, it may be refused if the granting thereof would substantially impair operating efficiency of the shift.
2. Annual leave shall be approved according to the following:
 - a. Seniority shall take precedence in approving annual leave;
 - b. Officer with seniority may "bump" Officers with less seniority up to sixty (60) days before the scheduled leave is scheduled to start.
 - c. Annual leave requested within sixty (60) days shall be first come, first served. This shall allow Officers with less seniority to plan their vacation without fear of being "bumped" at the last minute.

10.2.2 Personnel Programs:

I. Retirement Program:

- A. Police Civil Service employees participate in the Firemen's and Policemen's Pension Funds. Seven Percent (7%) of gross earnings are deducted from all police civil service employee each pay period. The City

contributes funds based upon the actuarial study. Percentages are subject to change pursuant to West Virginia State Code.³

B. Retirement benefits for Officers of the Department are in accordance with West Virginia State Code as follows:

C. WV Code §8-22-25. Retirement pensions.⁴

(a) Any member of a paid police or fire department who is entitled to a retirement pension hereunder, and who has been in the honorable service of such department for twenty years, may, upon written application to the board of trustees, be retired from all service in such department without medical examination or disability. On such retirement the board of trustees shall authorize the payment of annual retirement pension benefits commencing upon his retirement or upon his attaining the age of fifty years, whichever is later, payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to sixty percent of such member's average annual salary or compensation received during the three twelve- consecutive-month periods of employment with such department in which such member received his highest salary or compensation while a member of the department, or an amount of five hundred dollars per month, whichever is greater.

(b) Any member of any such department who is entitled to a retirement pension under the provisions of subsection (a) of this section and who has been in the honorable service of such department for more than twenty years at the time of his retirement shall receive, in addition to the sixty percent authorized in said subsection (a):

(1) Two additional percent, to be added to the sixty percent for each of the first five additional years of service completed at the time of retirement in excess of twenty years of service up to a maximum of seventy percent; and

(2) One additional percent, to be added to such maximum of seventy percent, for each of the first five additional years of service completed at the time of retirement in excess of twenty-five years of service up to a maximum of seventy-five percent.
The total additional credit provided for in this subsection may not exceed fifteen additional percent.

(c) Any member of any such department whose service has been

³ City of Parkersburg Personnel Policy and Procedure Manual Section X-F

⁴ See also Rules and Regulations for the Board of Trustees of The Policemen's Pension and Relief Fund of the City of Parkersburg.

interrupted by duty with the armed forces of the United States as provided in section twenty-seven of this article prior to the first day of July, one thousand nine hundred eighty-one, shall be eligible for retirement pension benefits immediately upon retirement, regardless of his age, if he shall otherwise be eligible for such retirement pension benefits.

Any member or previously retired member of any such department who has served in active duty with the armed forces of the United States as described in section twenty-seven of this article, whether prior to or subsequent to becoming a member of a paid police or fire department covered by the provisions of this article, shall receive, in addition to the sixty percent authorized in subsection (a) of this section and the additional percent credit authorized in subsection (b) of this section, one additional percent for each year so served in active military duty, up to a maximum of four additional percent. In no event, however, may the total benefit granted to any member exceed seventy-five percent of the member's annual average salary calculated in accordance with subsection (a) of this section.

(d) Any member of a paid police or fire department shall be retired at the age of sixty-five years in the manner provided in this subsection. When a member of the paid police or fire department reaches the age of sixty-five years, the said board of trustees shall notify the mayor of this fact, within thirty days of such member's sixty-fifth birthday. The mayor shall cause such sixty-five-year-old member of the paid police or fire department to retire within a period of not more than thirty additional days. Upon retirement under the provisions of this subsection, such member shall receive retirement pension benefits payable in twelve monthly installments for each year of the remainder of his life in an amount equal to sixty percent of such member's average annual salary or compensation received during the three twelve-consecutive-month periods of employment with such department in which such member received his highest salary or compensation while a member of the department, or an amount of five hundred dollars per month, whichever is greater. If such member has been employed in said department for more than twenty years, the provisions of subsection (b) of this section shall apply.

(e) It shall be the duty of each member of a paid police or fire department at the time a fund is hereafter established to furnish the necessary proof of his date of birth to the said board of trustees, as specified in section twenty-three of this article, within a reasonable length of time, said length of time to be determined by the said board of trustees. Then the board of trustees and the mayor shall proceed to act in the manner provided in subsection (d) of this section and shall cause all members of the paid police or fire department who are over the age of sixty-five years to retire in not less than sixty days from the date the fund is established. Upon retirement under the provisions of this subsection (e), such member,

whether he has been employed in said department for twenty years or not, shall receive retirement pension benefits payable in twelve monthly installments for each year of the remainder of his life in an amount equal to sixty percent of such member's average annual salary or compensation received during the three twelve-consecutive-month periods of employment with such department in which such member received his highest salary or compensation while a member of the department, or an amount of five hundred dollars per month, whichever is greater. If such member has been employed in said department for more than twenty years, the provisions of subsection (b) of this section shall apply.⁵

II. Health Insurance Program:

- A. The city provides complete hospitalization insurance for its employees and their dependents. This covers all hospitalization costs with major medical benefits. Also, included in this insurance is a standard \$20,000 term life insurance policy. A booklet explaining these benefits is provided for all eligible employees.
 - 1. If employment is terminated, for any reason other than gross misconduct, employees can elect to continue health coverage for up to 18 months. If employees elect to continue coverage, they shall pay the entire cost.
 - 2. Eligible dependents can continue health care coverage for up to 36 months if the employee dies; divorced or legally separated; or the employee's children no longer meet the eligibility requirements. If dependents elect to continue coverage, they shall pay the entire cost.
 - 3. Participation in the City's Group Life Insurance Plan shall not be extended to a surviving spouse.
- B. Through payroll deduction the city offers various optional life, disability and cancer insurance policies. These policies can be obtained by simply signing an authorization card to deduct from your pay sufficient funds to pay the premiums.

III. Disability Benefits Program:

- A. Disability benefits for Officers of the Department are in accordance with WV State Code as follows:

⁵ WV Code §8-22-5

B. West Virginia Code §8-22-8. Disability pensions; annuities: A member may qualify for a disability pension under any one of the following mutually exclusive provisions:

(1) If a member receives total disability in line of duty, he shall be entitled during the time of his disability to a monthly disability pension equal to fifty percent of the monthly salary of the member at date of disability: *Provided,* That the minimum payment shall be one hundred dollars per month. Any benefits payable from the retirement and benefit fund shall be reduced by benefits payable from workers' compensation due to the total disability of the member.

(2) If a member receives total disability not in line of duty while an employee of the city after he has had at least ten years' total service credit and such member is not entitled to a retirement pension under the provisions of section seven of this article, he shall be entitled during the time of his disability to one half of the retirement pension to which he would have been entitled under the provisions of said section seven had he been sixty years of age at date of disability and had elected to take retirement: *Provided,* That he shall be entitled to a minimum payment of fifty dollars per month and a maximum payment of one hundred dollars per month. Effective the first day of January, one thousand nine hundred eighty-seven, a city may provide that the maximum payment be three hundred dollars per month.

(3) If a member becomes so physically or mentally disabled as to render him unfit for the performance of the duties of the position he occupies, but his disability does not constitute either total disability in line of duty or total disability not in line of duty, and such member has less than ten years' total service credit, he shall be entitled to an annuity which shall be the actuarial equivalent of his total accumulation at the date of his disability. The board of trustees of the fund shall order a periodic reexamination of members of the fund receiving a disability pension, and if the disability no longer exists the payment there under shall be discontinued: *Provided,* That no such reexamination of any such member shall be ordered as aforesaid after such member attains the age of sixty years.

IV. Death Benefits Program:

A. Death benefits for members of the Parkersburg Police Department are in accordance with West Virginia State Code as follows:

B. WV Code §8-22-26. Death benefits.

(a) In case:

(1) Any member of a paid police or fire department who has been in continuous service for more than five years dies from any cause other than as specified in subsection (b) of this section before retirement on a disability pension under the provisions of, prior to the first day of July, one thousand nine hundred eighty-one, section twenty-four of this article, or after the thirtieth day of June, one thousand nine hundred eighty-one, sections twenty-three-a and twenty-four of this article or a retirement pension under the provisions of subsection (a) or both subsections (a) and (b), section twenty-five of this article, leaving in either case surviving a spouse, or any dependent child or children under the age of eighteen years, or dependent father or mother or both, or any dependent brothers or sisters or both under the age of eighteen years, or any dependent child over the age of eighteen years of age who is totally physically or mentally disabled so long as such condition exists; or

(2) Any former member of any such department who is on a disability pension prior to the first day of July, one thousand nine hundred eighty-one, under section twenty-four of this article, or after the thirtieth day of June, one thousand nine hundred eighty-one, under sections twenty-three-a and twenty-four of this article, or is receiving or is entitled to receive retirement pension benefits under the provisions of subsection (a) or both subsections (a) and (b), section twenty-five of this article, dies from any cause other than as specified in subsection (b) of this section leaving in either case surviving a spouse or any dependent child or children under the age of eighteen years or dependent father or mother or both, or any dependent brothers or sisters or both under the age of eighteen years, or any dependent child over the age of eighteen years of age who is totally physically or mentally disabled so long as such condition exists; then in any of the cases set forth above in (1) and (2) the board of trustees of such pension and relief fund shall, immediately following the death of such member, pay to or for each of such entitled surviving dependents the following pension benefits: To such spouse, until death or remarriage, a sum per month equal to sixty percent of such member's pension or, in the event such member was not receiving a pension at the time of his death, a sum per month equal to sixty percent of the monthly retirement pension such member would have been entitled to receive pursuant to section twenty-five of this article on the date of his death if such member had then been eligible for a retirement pension there under, or the sum of three hundred dollars per month, whichever is greater; to each such dependent child, a sum per month equal to twenty percent of such member's pension or, in the event such member was not receiving a pension on the date of his death, a sum per month equal to twenty percent of the monthly retirement pension such member would have been entitled to receive pursuant to section twenty-five of this article on the date of his death if such member had then been eligible for a retirement pension there under, or until such child attains the age of eighteen years or marries, whichever

first occurs; to each such dependent orphaned child, a sum per month equal to twenty-five percent of such member's pension or, in the event such member was not receiving a pension at the time of his death, a sum per month equal to twenty-five percent of the monthly retirement pension such member would have been entitled to receive pursuant to section twenty-five of this article on the date of his death if such member had then been eligible for a retirement pension there under, until such child attains the age of eighteen years or marries, whichever first occurs; to each such dependent orphaned child, a sum per month equal to twenty-five percent of such member's pension or, in the event such member was not receiving a pension on the date of his death, a sum per month equal to twenty-five percent of the monthly retirement pension such member would have been entitled to receive pursuant to section twenty-five of this article on the date of his death if such member had then been eligible for a retirement pension there under, until such child attains the age of eighteen years or marries, whichever first occurs; to each such dependent father or mother, a sum per month for each equal to ten percent of such member's pension or, in the event such member was not receiving a pension on the date of his death, a sum per month equal to ten percent of the monthly retirement pension such member would have been entitled to receive pursuant to section twenty-five of this article on the date of his death if such member had then been eligible for a retirement pension there under; to each such dependent brother or sister, the sum of fifty dollars per month until such individual attains the age of eighteen years or marries, whichever first occurs, but in no event shall the aggregate amount paid to such brothers and sisters exceed one hundred dollars per month. If at any time, because of the number of dependents, all such dependents cannot be paid in full as herein provided, then each dependent shall receive his pro rata share of such payments. In no case shall the payments to the surviving spouse and children be cut below sixty-five percent of the total amount paid to all dependents.

(b) The surviving spouse, child or children, or dependent father or mother, or dependent brothers or sisters, of any such member who dies by reason of service rendered in the performance of such member's duties shall, regardless of the length of such member's service and irrespective of whether such member was or was not entitled to receive, or was or was not receiving, disability pension or temporary disability payments at the time of his death, receive the death benefits provided for in subsection (a) of this section. If such member had less than three years' service at the time of his death, the member's pension shall be computed on the basis of the actual number of years of service.

(c) If a member dies without leaving a spouse, dependent child or children, or dependent father or mother, or dependent brothers or sisters, his contributions to the fund plus six percent interest shall be refunded to his

named beneficiary or, if no beneficiary has been named, to his estate to the extent that such contributions plus interest exceed any disability or retirement benefits that he may have received before his death.

(d) The provisions of this section shall not be construed as creating or establishing any contractual or vested rights in favor of any individual who may be or become qualified as a beneficiary of the death benefits herein authorized to be made, all the provisions hereof and benefits provided for hereunder being expressly subject to such subsequent legislative enactments as may provide for any change, modification or elimination of the beneficiaries or benefits specified herein.

(e) Notwithstanding the provisions of section twenty-four of this article the benefit provided for in this section shall be calculated as if the member had remained unemployed throughout any period of disability.

V. Liability Protection Program:

The City of Parkersburg contracts with St. Paul Insurance Policy number G19312823 for law enforcement protection.

VI. Employee Education Benefits:

N/A by function.

10.2.3 Support Services:

I. Policy:

The Department has established guidelines for employees seeking assistance through the City's Employee Assistance Program. The Department's Policies, Procedures have the underlying concept, positive regard for the employee as an individual and as a worker. To uphold this concept of caring for our employees, the Department participates in the City's E.A.P. which provides assistance for employees work and non-work related problems. Emotional stability in the face of stressful situations is a prime requirement for effective law enforcement work. In order to maintain a productive and well-adjusted organization and to provide the City of Parkersburg with the best possible service, the Department is committed to assisting employees who may be experiencing personal or stress related problems.

II. Employee Assistance Program (E.A.P.):

Is a confidential guidance and referral service for City employees and their families, for both work and non-work related matters, which may be utilized as a consultation service for supervisors who have employees with work related performance problems.

III. Employee Assistant Program, E.A.P.:

- A. The Department participates in the City's Employee Assistance Program. Program services are provided by an independent service under contract with the City.
- B. The Employee Assistance Program is coordinated by the Personnel Director as outlined in the City of Parkersburg Personnel Manual.

IV. E.A.P. RECORDS:

- A. To preserve the employee's right to privacy, records and discussions regarding the nature of personal problems shall be handled in a highly confidential manner.
- B. All records regarding the E.A.P. shall be maintained by the contracted provider in strict confidence and separate from personnel records.
- C. The contents of these records shall only be released with the employee's written permission.

V. Police Chaplain:

The Department's Chaplain is available to agency employees.
Contact information:

Police Chaplain:
Brian Harrell, Pastor
Liberty Street Church of God
1301 Liberty Street
Parkersburg, WV 26101
Phone: (304) 428-4121
Home: (304) 422-8651
E-mail: libertystreetchurch@juno.com
Web: www.libertystreetchurch.org
Fax: (304) 428-1660

10.2.4 Support Services Following Line of Duty Death or Serious Injury:

I. Policy:

It is the policy of the Department to provide liaison assistance to the immediate supervisors of an active duty Officer who dies in the line of duty and to provide tangible and emotional support during this traumatic period of readjustment for the surviving family.

II. Purpose:

This policy is designed to prepare the Department in the event of an active duty Officer's death in the line of duty and to direct the agency in providing proper support for the deceased officer's family.

III. Procedures:

A. General:

1. The following procedures shall be followed in cases of line-of-duty deaths and in cases of critically injured officers with poor prognosis of survival.
2. The wishes of the Officer's family shall take precedence over the procedures or desires of this agency.
3. Officers providing assistance to the family members and survivors shall take all possible measures to accommodate their needs and wishes, but not make promises they are not sure can be met.

B. Definitions:

1. **Line-of-Duty Death:** The death of an active duty Officer by felonious or accidental means during the course of performing police functions while on or off-duty.
2. **Survivors:** Immediate family members of the deceased Officer to include spouse, children, parents, siblings, fiancée and/or significant others.

C. Death Notification:

1. The name of the deceased Officer shall not be released to the media or other parties before immediate survivors living in the area are notified.
2. The Chief of Police or Division Commander shall designate an Officer to inform the immediate family of the officer's condition or death. Normally, a Police Chaplain shall assist with this notification.
3. Notification of the immediate family shall be made as soon as possible and, if possible, coincidental with command notifications.
4. Notification of survivors in the immediate area shall be made in person and, whenever appropriate, with another person such as the police chaplain. Whenever the health of immediate survivors is a concern, emergency medical services personnel shall be requested to stand by.
5. If the opportunity to get the family to the hospital exists prior to the Officer's death, notification officers shall inform the hospital liaison Officer that the family is on its way. In such cases, immediate transportation shall be provided for survivors rather than waiting for

any other members of the Departmental delegation to arrive. If the Officer has died, notification should be made to the survivors in as forthright and empathetic manner as possible.

6. Communication of information concerning the Officer and the incident shall, whenever possible, be restricted to face-to-face contact or private telephone to avoid interception by the media or others. Should the media obtain the Officer's name prematurely, the Chief of Police shall request that the information be withheld until proper notification of survivors can be made.
7. The notification Officer shall be responsible for identification of additional survivors outside the area and shall make any notifications as desired by the immediate family.
8. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.
9. The notification Officer shall submit a written report to the Chief of Police specifying the identity, time and place of survivors notified.

D. Assisting Survivors at the Hospital:

1. When possible, the Chief of Police will join the family at the hospital to ensure agency support.
2. If unavailable, the highest ranking officer at the hospital will stay with the family.
3. The Chief, or in their absence the highest ranking officer, will designate a Hospital Liaison Officer.
4. The Hospital Liaison Officer shall coordinate the arrival of immediate survivors, Department personnel, city personnel, media and others.
5. Hospital Liaison Officer duties also include:
 - a. Arrange for waiting facilities for immediate survivors and a separate press staging area. The desires of the surviving family members should be followed with regard to their accessibility to other Officers and friends.
 - b. Ensure that medical personnel provide pertinent medical information on the Officer's condition to the family before any other parties.
 - c. Assist family members, in accordance with their desire, in gaining access to the injured or deceased Officer.

- d. Provide hospital personnel with all necessary information on billing for medical services. The liaison Officer should ensure that all medical bills are directed to the appropriate departmental authority and that they are not forwarded to the Officer's family or other survivors.
- e. Arrange transportation for the family and other survivors upon their departure from the hospital.
- f. Ensure that immediate family members are provided with appropriate assistance at the hospital.

E. Appointment of Coordination Personnel:

- 1. Designated city/police Department personnel will serve in the following capacities: Department Liaison, Funeral Liaison, Benefits Coordinator and Family Support Advocate.
- 2. These assignments shall be made in writing and the surviving family will be informed of those designated.
- 3. The Chief of Police or their designee shall:
 - a. Make personnel assignments to assist in handling telephone calls and inquiries and to direct the public to appropriate personnel.
 - b. Ensure that an employee assistance program is implemented to assist employees and surviving family members.

F. Department Liaison Officer:

- 1. The Department Liaison Officer shall serve as a facilitator between the family and the Department.
- 2. This individual shall normally be a commanding Officer in order to expedite the tasks of employing Departmental resources and the delegation of assignments.
- 3. This Officer shall work closely with the Funeral Liaison Officer to ensure that the needs and requests of the family are fulfilled. This includes, but is not necessarily limited to, the following:
 - a. Providing oversight of travel and lodging arrangements for out-of-town family members.
 - b. Identifying alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.

- c. Coordinating all official law enforcement notifications and arrangements to include the honor guard, pallbearers, traffic control and liaison with visiting law enforcement agencies.
- d. Assisting family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically.
- e. Providing liaison with the media to include coordination of any statements and press conferences.
- f. The Departmental Liaison shall also ensure that members of the agency are aware of restrictions regarding release of any information that might undermine future legal proceedings.
- g. Ensuring that security checks of the survivor's residence are initiated immediately following the incident and for as long as necessary thereafter.

G. Funeral Liaison Officer:

- 1. The Funeral Liaison Officer shall act as facilitator between the decedent Officer's family and the department during the funeral.
- 2. The Funeral Liaison Officer is responsible for the following:
 - a. Meeting with family members and explaining their responsibilities to them.
 - b. Being available to the family prior to and throughout the funeral.
 - c. Ensuring that the needs and wishes of the family come before those of the Department.
 - d. Assisting the family in working with the funeral director regarding funeral arrangements.
 - e. Relaying any information to the family concerning the circumstances of the decedent Officer's death and appropriate information regarding any investigation.
 - f. Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the department liaison.
 - g. Briefing the family members on the procedures involved in the law enforcement funeral.

~~**H. Benefits Coordinator:**~~

~~The Benefits Coordinator is responsible for the following:~~

- a. Filing worker's compensation claims and related paperwork.
- b. Presenting information on all benefits available to the family.
- c. Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such donations, as appropriate.
- d. Preparing all documentation of benefits and payment due survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office.
- e. Filing all benefits paperwork and maintaining contact with the family in order to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them.
- f. Advising the surviving family of the role of the police associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.

I. Family Support Advocate:

1. The Family Support Advocate serves in a long-term liaison and support capacity for the surviving family.
2. The duties of this individual include the following:
 - a. Providing contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family member.
 - b. Accompanying family members to criminal proceedings, explaining the nature of the proceedings and introducing them to prosecutors and other persons as required.
 - c. Identifying all support services available to family members and working on their behalf to secure any services necessary.
 - d. Maintaining routine contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the department and the immediate family.
 - e. Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

10.2.5 Clothing Allowance:

- I. Every Officer is entitled to Eight Hundred Dollars (\$800.00) clothing allowance per year, to be paid in quarterly installments of Two Hundred Dollars (\$200.00). This allowance shall be used to purchase uniforms and other equipment that the Department does not issue, see Chapter 10, Sections 3.4 and 3.5.
- II. Newly hired Officers shall have their initial uniforms and non-issued equipment paid for by the Department to be reimbursed by the officer from their clothing allowance. Therefore, the Officer shall not receive a clothing allowance check until this balance is zero.

10.2.6 Employee Assistance Program:

- I. **Self-Help:** Employees experiencing problems with alcohol or other drugs are urged to seek assistance voluntarily through the Employee Assistance Program (EAP) to resolve such problems before they become serious enough to require management referral or disciplinary action. Any individual in need of assistance may request assistance in confidence. Information is available from supervisors or the Personnel Director.
- II. **Administrative Referral:** Employees whose job performance deteriorates may be referred by management to the Employee Assistance Program for diagnosis of the performance problem(s).
- III. **Participation:** Participation, in itself, in the Employee Assistance Program for an alcohol or drug problem will in no way jeopardize an employee's job. In fact, successful treatment will be viewed positively. However, participation shall not:
 - A. Prevent normal disciplinary action for a violation that may have occurred already.
 - B. Relieve an employee of the responsibility to perform assigned duties safely and efficiently.

10.2.7 Employee Identification:

- I. Whenever employees are acting in their official capacity as personnel of the Department, they shall upon request, show their badge and/or identification.
- II. If the given situation would make the showing of the badge and/or identification impractical or hazardous, the employee should show their badge and/or identification as soon as practical.
- III. The Department shall provide all employees with an official badge and/or identification as appropriate.

10.3 Conditions of Work:

10.3.1 Physical Examinations:

- I. All applicants for the position of Police Officer shall pass a physical and psychological evaluation prior to appointment.
 - A. Examinations shall be performed by certified medical practitioners of the Department's choosing.
 - B. The Department shall bear the costs of these examinations.
- II. Prior to promotion (excluding the quasi rank of Patrolman First Class) each Officer shall submit to and pass a physical examination to be conducted by a certified medical practitioner of the Department's choosing. All costs shall be assumed by the Department.

10.3.2 General Health and Fitness of Sworn Employee:

N/A by Function.

10.3.3 Outside Employment Limitations:

Officers may engage in outside employment subject to the following limitations:

- A. Such employment shall not interfere with the Officers' employment with the Department.
- B. Officers shall submit a written request for outside employment to the Chief of Police, whose approval must be granted prior to engaging in such employment or business involving the sale or distribution of alcoholic beverage, bail bond agencies, or investigative work for insurance agencies, private guard services, collection agencies or attorneys.
- C. Approval may be denied where it appears that the outside employment might:
 - 1. Render the Officer unavailable during an emergency.
 - 2. Physically or mentally exhaust the officers to the point that their performance may be affected.
 - 3. Require that any special consideration be given to scheduling of the Officer's regular duty hours.
 - 4. Bring the Department into disrepute or impair the operations or efficiency of the Department or Officer.
 - 5. Constitute a violation of the law.

- D. For employment other than those listed in Section B, written notification to the Chief of Police is required.

10.3.4 Extra-Duty/Outside Employment:

- I. For permission for outside employment see 10.3.3B. Only those Officers who have completed probation are eligible for off-duty work, unless ordered by the Chief of Police or their designee.
- II. When working extra-duty/outside employment, Officers maintain the same enforcement authority as on-duty officers. Officers are also required to abide by the same standards of behavior and conduct as those officers on-duty. An Officer, while engaged in extra duty work, off, duty work or outside employment shall promptly obey any proper and lawful order of an on-duty Departmental superior Officer.
- III. The Chief or their designee shall have the authority to terminate extra-duty work/outside employment believed to be in conflict with the goals and objectives of the City of Parkersburg and the Department.
- IV. The Support Division Commander or their designee shall be the coordinator for all off-duty and extra duty assignments. The Support Division Commander shall ensure that the opportunity for such additional work is made equally and fairly available to all officers.
- V. The Support Division Commander or their designee shall be responsible to obtain the dates, times, type of off-duty/extra duty work and any special circumstances involved with the assignment.