WEST VIRGINIA CODE CHAPTER 15A ARTICLE 2

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§15A-2-1. Division of Administrative Services.

(a) The Division of Administrative Services is created within the department to perform the administrative services for identified agencies within the department.

(b) The Division of Administrative Services shall provide fiscal services, payroll services, human resources services, and procurement services for the Division of Corrections and Rehabilitation, created in §15A-3-1 et seq. of this code, and any other agencies or boards required by the secretary: Provided, That the secretary may not require the administrative services of the State Police, the West Virginia National Guard, or the West Virginia Military Authority be provided by the Division of Administrative Services. The division is the designated staffing agency for, and shall provide executive and administrative support to, the Governor's Committee on Crime, Delinquency, and Correction, and all of its subcommittees, in the coordination of planning for the criminal justice system and administering federal and state grant programs assigned to it by the actions of the Governor or Legislature.

(c) The State Police, the West Virginia National Guard, and the West Virginia Military Authority may elect to utilize the services of the Division of Administrative Services. The Director of the Division of Administrative Services is authorized to enter into a memorandum of understanding with the head of the State Police, the West Virginia National Guard, or the West Virginia Military Authority to effectuate this utilization.

(d) The division may apply for grants and other funding from federal or state programs, foundations, corporations, and organizations which funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees it staffs. The Division of Administrative Services is hereby designated as the state administrative agency responsible for criminal justice and juvenile justice systems, and various component agencies of state and local government, for the planning and development of state programs and grants which may be funded by federal, state, or other allocations in the areas of public safety, community corrections, law-enforcement training and compliance, sexual assault forensic examinations, victim services, human trafficking, and juvenile justice unless such administration has been specifically entrusted to another state agency by the Legislature. The division is empowered to comply with all regulations and requirements to qualify for such grants funded by federal, state, or other allocations and to administer such funds.

(e) Notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Director of the Division of Justice and Community Services, it shall be construed to mean the Director of the Division of Administrative Services. Whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Justice and Community Services, it shall be construed to mean the Division of Administrative Services.

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§15A-2-2. Division director; appointment and qualifications; powers and duties.

(a) The secretary shall appoint a director for the Division of Administrative Services who shall serve at the will and pleasure of the secretary. The director shall have extensive knowledge in the field of public safety and the principles and practices of administration and experience in the civil service system.

(b) The director shall have control and supervision of the Division of Administrative Services and shall be responsible for the work of each of its employees.

(c) The director shall have the authority to employ all personnel necessary to perform the functions of the Division of Administrative Services. The director shall also have the authority to employ assistants and attorneys as may be necessary for the efficient operation of the Division of Administrative Services.

(d) The director shall perform the duties herein specified and shall also perform other duties as the secretary may prescribe.

(e) Where reference in this article is made to the "director", it shall mean the Director of the Division of Administrative Services.

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§15A-2-3. Transfer of employees; continuation of programs; transfer of equipment and records; protection.

(a) All persons employed by the Division of Juvenile Services, the Regional Jail and Correctional Facility Authority, or the Division of Corrections whose employment responsibilities include those to be provided by the Division of Administrative Services are assigned and transferred to the Division of Administrative Services. Effective July 1, 2019, all persons employed on the effective date of this article by the Division of Justice and Community Services whose current employment responsibilities include those to be provided by the Division of Administrative Services are hereby assigned and transferred to the Division of Administrative Services.

(1) The Division of Administrative Services shall assume all responsibilities of the administrative services sections of the Division of Juvenile Services, the Regional Jail and Correctional Facility Authority, and the Division of Corrections, including those related to ongoing programs, benefits, litigations, or grievances.

(2) All equipment and records necessary to effectuate the purposes of this article shall be transferred to the Division of Administrative Services.

(b) Any person transferred to the office of the Director of the Division of Administrative Services who is a classified civil service employee shall, within the limits contained in §29-6-1 et seq. of this code, remain in the civil service system as a covered employee. Any person transferred to the office of the Director of the Division of Administrative Services who is a classified exempt civil service employee, other than the director, and his or her deputy directors, and one exempt assistant, shall, within the limits contained in §29-6-1 et seq. of this code, be transferred into the civil service system as a permanent covered employee, and is no longer exempt: Provided, That any transferred employee that has been employed in his or her position for less than the required probationary period must first complete the probationary period prior to becoming a permanent covered employee.

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§15A-2-4. Criminal justice and grant administration.

(a) The director shall:

(1) Carry out the specific duties imposed on the Governor's Committee on Crime, Delinquency, and Correction under the provisions of §15-9-1 *et seq.* of this code, §30-29-1 *et seq.* of this code, and §62-11C-1 *et seq.* of this code;

(2) Maintain appropriate liaison with federal, state, and local agencies and units of government, or combinations thereof, in order that all programs, projects, and activities for strengthening and improving law enforcement, public safety, and the administration of criminal justice may function effectively at all levels of government;

(3) Seek sources of federal grant assistance programs that may benefit the state when authorized by the Governor and manage the dispersal of those funds through grant contracts to subgrantees in a manner consistent with state and federal law and with sound and accountable management practices for the efficient and effective use of public funds;

(4) Seek sources of program or grant assistance from foundations, corporations, and organizations which funding is consistent with its responsibilities and the purposes assigned to the director, the Governor's Committee on Crime, Delinquency, and Correction, and any of its subcommittees; and

(5) Serve as the Executive Director of the Governor's Committee on Crime, Delinquency, and Correction and its subcommittees: *Provided*, That notwithstanding any provision of this code or a rule promulgated thereunder to the contrary, appeals to the Governor's Committee on Crime, Delinquency, and Correction from an individual who has been denied entry into an entry level law-enforcement certification program, a trainee who has not been allowed to continue in the entry level law-enforcement training process, an officer who has made application for his or her law-enforcement certification to be reactivated and that application has been denied, or an officer or individual whose law-enforcement certification as a law enforcement officer or as an instructor has been denied, suspended, or decertified, pursuant to a final decision of the Law-Enforcement Professional Standards Subcommittee established by §30-29-2 of this code, shall be heard by the Office of Administrative Hearings established in §15A-9-1 *et seq.* of this code.

(b) In discharging these duties, the director may:

(1) Work to bridge gaps between federal, state, and local units of government, as well as private/nonprofit organizations and the general public;

(2) Provide staff assistance in the coordination of all facets of the criminal and juvenile justice systems on behalf of the Governor's Committee on Crime, Delinquency, and Correction, including, but not limited to, law enforcement, jails, corrections, community corrections, juvenile justice, sexual assault forensic examinations, and victim services;

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(3) Acquire criminal justice resources and coordinate the allocation of these resources to state, local, and not-for-profit agencies;

(4) Maintain a web-based database for all community corrections programs;

(5) Collect, compile, and analyze crime and justice data in the state, generating statistical and analytical products for criminal justice professionals and policy makers to establish a basis for sound policy and practical considerations for the criminal justice system, make such recommendations for system improvement as may be warranted by such research, and contract with other persons, firms, corporations, or organizations to assist in these responsibilities;

(6) Receive and disburse federal and state grants and funding received from foundations, corporations, or other entities; and

(7) Enter into agreements with law enforcement agencies within the Department of Homeland Security, including the West Virginia State Police, to facilitate the application for and administration of federal grants that are exclusively open to law enforcement agencies or are only open to entities invited by the federal grant program.

(c) Nothing in this article authorizes the division to undertake direct operational responsibilities in law enforcement or the administration of criminal justice.

(d) The director shall propose legislative rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code which may be necessary to fulfill the functions and responsibilities of this article and the Governor's Committee on Crime, Delinquency, and Correction. All legislative rules and policies of the former Division of Justice and Community Services shall be transferred to the Division of Administrative Services and remain effective until amended or terminated pursuant to §29A-3-1 *et seq.* of this code by the Division of Administrative Services: *Provided*, That these rules shall expire on July 1, 2022, if not superseded sooner.

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§15A-2-5. Human trafficking assistance notices.

(a) For the purpose of assisting victims of human trafficking to obtain help and services, the following businesses and establishments shall post a notice which meets the requirements of this section:

(1) All locations licensed by the Alcohol Beverage Control Commissioner that permit on-premises consumption of alcoholic beverages, pursuant to §60-7-1 et seq. of this code;

(2) Exotic entertainment facilities, which are facilities featuring live nude dancing, nude service personnel, or live nude entertainment;

(3) Primary airports;

(4) Passenger rail stations;

(5) Bus stations;

(6) Locations where gasoline and diesel fuel are sold;

(7) Emergency departments within hospitals;

(8) Urgent care centers;

(9) Locations at which farm labor contractors and day haulers work, if a physical facility is available at those locations, upon or in which notice can be posted;

(10) Privately operated job recruitment centers;

(11) Rest areas located along interstate highways in this state operated by the Division of Highways;

(12) Hotels; and

(13) Any other business or establishment that the director determines, by legislative rule, is an effective location to provide notice to victims of human trafficking.

(b) Requirements for posting of notice. — The notice required by this section must be posted in English, Spanish, and any other language determined by legislative rule by the director. The notice must be posted in each public restroom for the business or establishment, and either in a conspicuous place near the public entrance of the business or establishment, or in another location in clear view of the public and employees where similar notices are customarily posted.

(c) The director shall provide hyperlinks on the division’s website to downloadable notices that are eight and one-half inches by 11 inches in size that provide information regarding the National Human Trafficking Resource Center and display the telephone number for the

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National Human Trafficking Resource Center hotline. These downloadable notices must be available in English, Spanish, and any other language determined by legislative rule by the director. These downloadable notices, if printed and posted, will satisfy the notice posting requirements of this section.

(d) Any law-enforcement officer, representative of the Bureau for Public Health or of a county health department, representative of the State Alcohol Beverage Control Commissioner, representative of the Division of Labor, or other state representative inspecting a business or establishment, or otherwise lawfully acting under his or her state authority, may notify, in writing, any business or establishment that it has failed to comply with the requirements of this section. The written notice must be delivered to the noncomplying business or establishment by certified mail, with return receipt requested. A business or establishment that does not correct a violation within 30 days from the receipt of the written notice is guilty of a misdemeanor and, upon a first conviction thereof, shall be fined not more than $250; and upon a second or subsequent conviction, shall be fined not less than $250 nor more than $500.

(e) For the purposes of this section, and unless a different meaning is plainly required:

(1) "Day hauler" means any person who is employed by a farm labor contractor to transport, or who, for a fee, transports, by motor vehicle, workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person: Provided, That such term does not include a person engaged in the production of agricultural products;

(2) "Farm labor contractor" means any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: Furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such persons: Provided, That such term does not include a person engaged in the production of agricultural products;

(3) "Hospital" shall have the same meaning as set forth in §16-2D-2(21) of this code;

(4) "Hotel" means any establishment which offers overnight accommodations to the public in exchange for a monetary payment;

(5) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. § 47102(16); and

(6) "Production of agricultural products" means raising, growing, harvesting, or storing of crops; feeding, breeding, or managing livestock, equine, or poultry; and producing or storing feed for use in the production of livestock.

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