WEST VIRGINIA CODE: §16b-15-6

§16B-15-6. Provisional employment pending completion of background check.

- (a) The department, covered provider, or covered contractor may permit an applicant to work on a provisional basis for not more than 60 days pending notification from the director regarding the results of the criminal background check if:
- (1) The applicant is subject to direct on-site supervision, as specified in rule by the Inspector General, during the course of the provisional period; and
- (2) In a signed statement the applicant:
- (A) Affirms that he or she has not committed a disqualifying offense;
- (B) Acknowledges that a disqualifying offense reported in the required criminal history record information check shall constitute good cause for termination; and
- (C) Acknowledges that the department, covered provider, or covered contractor may terminate the individual if a disqualifying offense is reported in the background check.
- (b) Provisional employees who have requested a variance shall not be required to sign such a statement. The department, covered provider, or covered contractor may continue to employ an applicant if an applicant applies for a variance of his or her fitness determination until the variance is resolved.