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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

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ENROLLED

SENATE BILL NO. 415

(By Mr. Mc COURT, MR. PRESIDENT)

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PASSED MARCH 11, 1971

In Effect NINETY DAYS FROM Passage



415

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 4-2-71

**ENROLLED**

**Senate Bill No. 415**

(By MR. McCOURT, MR. PRESIDENT)

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[Passed March 11, 1971; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the division of vocational rehabilitation.

*Be it enacted by the Legislature of West Virginia:*

That section three, article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 10A. VOCATIONAL REHABILITATION.**

**§18-10A-3. Director of division of vocational rehabilitation;  
powers and duties.**

1 The division shall be administered, under the general

2 supervision and direction of the state board, by a direc-  
3 tor appointed by such board in accordance with estab-  
4 lished personnel standards and on the basis of his educa-  
5 tion, training, experience and demonstrated ability.

6 In carrying out his duties under this article, the direc-  
7 tor shall:

8 (1) Appoint, with the approval of the state board, such  
9 personnel as he deems necessary for the efficient per-  
10 formance of the functions of the division.

11 (2) Establish a merit system of personnel manage-  
12 ment, or in lieu thereof, avail himself of the services of  
13 the state merit system upon payment of a fair share of  
14 the expenses of the operation of such system.

15 (3) Make regulations governing the protection of  
16 records and confidential information; the manner and  
17 form of filing applications for vocational rehabilitation  
18 services, eligibility therefor, and investigation and de-  
19 termination thereof; procedures for fair hearings; and  
20 such other matters as may be necessary or desirable in  
21 accomplishing the purposes of this article.

22 (4) Have the authority to establish and operate a staff  
23 development program for the employees of the division

24 and may, in furtherance of such a program, and utilizing  
25 any funds appropriated or made available, for such pur-  
26 pose, pay to such employees compensation or expenses, or  
27 both, while such employees are pursuing approved train-  
28 ing courses or academic studies for the purpose of becom-  
29 ing better equipped for their employment in such division;  
30 such staff development program shall be conducted sub-  
31 ject to appropriate rules and regulations as adopted by the  
32 director and approved by the state board: *Provided, That*  
33 such rules and regulations shall include reasonable provi-  
34 sions for the return of any employee, receiving the benefits  
35 of such training, for a reasonable period of duty, or for  
36 reimbursement to the state for expenditures incurred on  
37 behalf of the training of such employee.

38 (5) Establish, with the approval of the state board, ap-  
39 propriate subordinate administrative units within the di-  
40 vision.

41 (6) Prepare and submit to the state board annual re-  
42 ports of activities and expenditures and, prior to each reg-  
43 ular session of the Legislature, estimates of sums required  
44 for carrying out the provisions of this article and estimates

45 of the amounts to be made available for this purpose from  
46 all sources.

47 (7) Make requisition for disbursement, in accordance  
48 with regulations of the funds available for vocational  
49 rehabilitation purposes.

50 (8) Take such other action, with the approval of the  
51 state board, as may be deemed necessary or appropriate  
52 to carry out the purposes of this article.

53 In addition to the foregoing, the director may, with  
54 the approval of the state board, delegate to any officer or  
55 employee of the division such of his powers and duties,  
56 except the making of regulations and the appointment  
57 of personnel, as may be necessary or appropriate for the  
58 purposes of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Russell G. Buss*  
Chairman Senate Committee

*Phyllis Kertledge*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Myers*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*Eby Gout*  
President of the Senate

*Lewis N. McManus*  
Speaker House of Delegates

The within *approved* this the *1st*  
day of *April*, 1971.

*Arch A. Moore Jr.*  
Governor

PRESENTED TO THE GOVERNOR

Date 3/17/71

Time 11:50 A.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA