

SECTION 2

ADMINISTRATION



Gaston Caperton
Governor

Michael T. Smith
Director

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL

STATE PERSONNEL
BOARD

John A. Canfield, Chairman
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Roger Morgan, Member

M E M O R A N D U M

TO: Cabinet Secretaries
Agency Administrators

FROM: Michael T. Smith, Director
Division of Personnel

Michael T. Smith

DATE: February 13, 1991

RE: POLITICAL ACTIVITIES

It is important to provide direction as to the political activities permitted and prohibited for employees of the State of West Virginia. The following summarizes various provisions of State and Federal law. It is suggested that this information be posted or circulated to employees within your department. Specific questions regarding this issue should be directed to the Division of Personnel, Employee Relations Section, at 348-3350.

Classified Employees Covered Under WV Code 29-6-20

The last substantive revision to this section of the State Code occurred effective May 31, 1983. Subsequent revision in 1989, changes reference to Civil Service Commission to Division of Personnel, State Personnel Board. Thus, the numerous Attorney General Opinion's issued on this subject since May 31, 1983, remain in effect.

Employees May

1. Voluntarily campaign for a candidate or party during non-work time, off of State property, and without use of State supplies or equipment within the provisions of Election Guidelines and Law, so long as they are not paid a fee other than actual expenses incurred.

Employees May Not

1. Serve as a Ballot Commissioner or election official working inside the polling place.
2. Sell tickets to political affairs to employees in the classified service.
3. Serve as a campaign financial agent or treasurer.

Employees May

2. Voluntarily sell tickets to political affairs to individuals other than employees of the classified service.
3. Voluntarily erect campaign signs on private property, as long as property is not used as State office or official office site by the State.
4. Voluntarily attend political dinners, rallies and dances.
5. Voluntarily serve on campaign committees for a candidate, so long as not receiving compensation for service.
6. Be a candidate for local partisan or non-partisan elective office by taking a leave of absence commencing with filing date.
7. Voluntarily make a monetary contribution to a political party or candidate not to exceed limitations established by law.
8. Voluntarily place a campaign sticker on personal vehicle, as long as vehicle is not used for State business.

Employees May Not

4. Be a candidate for any national, State paid public office or court of record.
5. Be a candidate or delegate to any State or national political party convention.
6. Be a member of any national, State or local committee of a political party.
7. Hold any paid elective public office.
8. Solicit or receive any assessment, subscription, or contribution from employees in the classified service.
9. Use any official authority or influence to interfere or influence an election or nomination for office.
10. Post or distribute campaign literature in a State office building.
11. Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, organization, agency or person for political purposes.

Federally Funded Programs (Hatch Act)

The Federal Hatch Act governing State and local employees found in 5, U.S. Code, 1501-1508, applies to any "individual employed by a State or local agency whose principle employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency but does not include - (a) an individual who exercises no functions in connection with that activity...." In certain areas the federal statute is more restrictive than the current law found in Chapter 29, Article 6

Secretaries

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February 13, 1991

of the West Virginia Code, as amended. Therefore, to the extent that employees are covered by the Hatch Act, the provisions of Chapter 29, Article 6, would not apply.

Chapter 29, Article 6, permits an employee to be a candidate for election to a local level partisan or non-partisan office, except for courts of record, by taking a leave of absence without pay for the period of candidacy commencing with the date of filing for such candidacy. The Hatch Act does not allow a State employee whose principle employment is in connection with an activity which is financed in whole or in part by federal funds to be a candidate for a partisan elective office.

Division of Highways Employees (WV Code 17-2A-5)

The Division of Highways law provides that, "...no person may be...employed...when he is a candidate for or holds any public office or is a member of any political party committee..." Thus, to the extent that this law prohibits activities permitted under Code 29-6-20, Code 17-2A-5 prevails.

Division of Rehabilitation Services Employees (WV Code 18-10A-11)

The Division of Rehabilitation Services law provides that, "...no... employee engaged in the administration of the Vocational Rehabilitation program...shall take an active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinions as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose...."

Thus, to the extent that this prohibits activities permitted under Code 29-6-20, Code 18-10A-11 prevails.

From the above, you can see that the issue of political activities for State employees is complex and requires determination of the application of the appropriate State and/or Federal law. It is hoped that this provides some clarification in this matter.

JES:JDW:jak

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JES:JDW:jak

DIVISION OF ENVIRONMENTAL PROTECTION

Effective:
4/15/93

SUBJECT: Wearing and Use of DEP Uniforms

Section 1. General.

1.01. Certain coordinated articles of wearing apparel have been adopted as standard, and shall constitute the prescribed uniform attire for those eligible personnel engaging in public contact. Not all items on contract are available to each employee.

Therefore, each DEP office should have on file with Howard Skidmore, Administrator, in the Office of Administration, a form reflecting personnel by class and the uniform items and safety equipment authorized to be issued to them. Initial allotment of uniforms, including leather shoes, should not exceed \$750.00.

1.02. Each July, the DEP offices should take orders from all eligible employees for uniform replacement items, including leather shoes, so that orders can be placed as early in the fiscal year as possible. Such orders should not exceed \$350 per employee. In the event an office's budget precludes the expenditure of \$350 per employee where needed, a lesser limit may be established if applied uniformly and prior approval is obtained from the Director.

1.03. Safety Equipment - Hard toe leather shoes shall be included as a part of the uniform allotment. Other safety equipment, hard hats, rubber boots, etc., shall be issued to the employee as needed and shall not be included in any uniform allotment.

Section 2. Wearing and Use of DEP Uniforms.

2.01. The uniform shall be worn only when on official duty or when it is reasonable to expect recall to duty.

2.02. The uniform shall be worn as prescribed by the chief. Items of the uniform having the DEP insignia or other identifying mark should not be worn in conjunction with civilian attire.

2.03. The name plate, when issued, shall be worn on the jacket or shirt, centered on the flap of the right shirt or jacket breast pocket.

2.04. The emblem is an integral part of the uniform and is to be worn on the shirt and jacket. The emblem shall be centered on the left sleeve, one inch below the shoulder seam.

2.05. When the long-sleeve shirt is worn, the sleeves will be worn full-length and buttoned. Wearing of a tie with long-sleeve or short-sleeve shirts is optional.

The uniform is the symbol of the Division of Environmental Protection -- it is the means by which the public immediately identifies the individual and the organization. To be effective, the uniform must be worn with pride.

Section 3. Termination.

3.01. Upon termination of employment, the following issued items shall be surrendered to the individual's immediate supervisor:

- a. All emblems and patches
- b. Unused clothing and unused footwear
- c. Safety equipment

Section 4. Uniform Committee.

4.01. The uniform committee shall be composed of one representative from each office, to be named by the chief, and Howard Skidmore, Office of Administration, to serve as chairman.

4.02. The chairman will coordinate any change in the uniform contract with the appropriate representatives from any other State divisions which may be a part of the uniform contract.

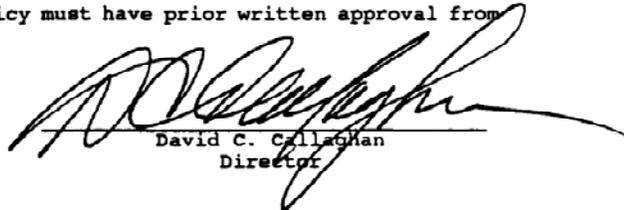
4.03. The uniform committee shall be responsible for monitoring, maintaining, and renewing contracts to cover uniform needs.

4.04. The uniform committee shall recommend to the Director any changes in uniform items worn by DEP employees and specialized uniform needs for groups of DEP employees that are not provided within standard uniform contracts.

Section 5. Exceptions.

5.01. Special or unusual circumstances regarding uniform needs for employees should be presented by the chief to the Director for consideration.

5.02. Any exceptions to this policy must have prior written approval from the Director.



David C. Callaghan
Director

DIVISION OF ENVIRONMENTAL PROTECTION
Use of State-owned Vehicles

Effective Date:
4/15/93

Section 1. General Guidelines.

1.01. State vehicles are to be used only for official business purposes, maintained in good repair, clean, and operated in a safe manner with observation of all traffic laws.

Section 2. Definition of Terms.

2.01. Office-based Employee. Employee whose primary duties and responsibilities are accomplished by being in the office--even though duties include direction, supervision and administration of programs carried forth in the field--whose presence in the office is generally required more than 50 percent of the normal work time.

2.02. Field-based Employee. Employee whose primary duties and responsibilities are accomplished by being in the field at locations other than the headquarters office, whose presence in the field is generally required more than 50 percent of the normal work time.

2.03. Pool Vehicle. Vehicle that is assigned to a particular program or office within the agency, to be checked out for use, as needed, by employees of such program or office. Pool vehicles are under the supervision and control of an appropriate designated employee, who is responsible for their use, maintenance and repair and necessary reporting procedures.

2.04. Emergency. Emergency is defined as any situation that arises which affects the duties and required hours of work or assignments of office-based employees. Such situations may include pollution spills, flooding or severe weather conditions, landslides, etc.

2.05. Commute. Travel to and from the office.

Section 3. Assignment and Use of Vehicles.

3.01. Permanent Assignment. Field-based employees may be assigned a state vehicle on a permanent basis for official use, including travel to and from their headquarters office when required.

3.02. Temporary Assignment. Any employee of the Division may be assigned a state vehicle on a temporary basis in an emergency situation, or in the event of a temporary change in the work assignment that requires full-time use of a vehicle for a short duration.

Such temporary assignment shall not be construed as permission to use the vehicle for home-to-work transportation for regular work assignments, or work-to-home on the chance that the employee "may be needed."

3.03. Assignment of Pool Vehicles. When it is necessary for an office-based employee to make an official business trip, a pool vehicle may be assigned. In the event the trip is scheduled to begin the following morning, the vehicle may be driven home that evening. If such a trip is concluded after normal work hours, the state vehicle may be taken to the employee's residence and returned to the office the next day.

When an office-based employee is required to work outside normal work hours, a pool vehicle may be made available for traveling to and from work and during the time on duty. The vehicle must be returned upon resumption of the normal work schedule. This authorization also covers required duties that cannot be accomplished during normal work days or work hours, such as attendance at meetings, public speaking engagements, investigation activities, etc.

However, personnel who are classified as an office-based employee are not authorized to commute.

3.04. Use of Vehicles by Field-based Administrators and Supervisors. District supervisors and area administrators who are classified as field-based employees may use their assigned vehicles for transportation to and from their headquarters office as necessary, so long as the employee lives within a reasonable distance of the office. Reasonable distance shall be determined by the chief of the appropriate office, subject to approval by the Director, on the basis of the employee's work assignment.

An employee, who is appointed as district supervisor or area administrator or who relocates from one headquarters to another after the effective date of this policy directive, must live within the geographic area of assignment of the headquarters office in order to be considered living within a reasonable distance and to be permitted to use a state vehicle for transportation to and from the headquarters on a regular basis.

On days that such employee is required to be at the office, notwithstanding the distance from home to office, the employee is expected to be on duty at the office during the standard work hours, and time spent traveling to and from work is not considered work time.

Section 4. Vehicle Maintenance.

4.01. Assigned Vehicles. A vehicle that has been assigned to an employee on a permanent or temporary basis shall be the responsibility of that employee. The employee shall operate and maintain the vehicle in accordance with established procedures. The vehicle shall be maintained in good repair, and for security reasons, shall be parked at a safe location when not in use (home, office--wherever the risk of vandalism is less).

4.02. Pool Vehicles. An employee in charge of pool vehicles shall be responsible for their maintenance, repair, security and the filing of all required reports to the appropriate offices.

Section 5. Vehicle Accidents.

5.01. Reporting. Any accident must be reported by forwarding three copies of Form RMI-1 to the Property and General Services office in Nitro within two working days of such accident. If the property damage exceeds \$250 and/or any person is injured in the accident, a copy of Form DMV-121-F should also be forwarded to the Safety Responsibility Office, Division of Motor Vehicles, Charleston, WV 25305.

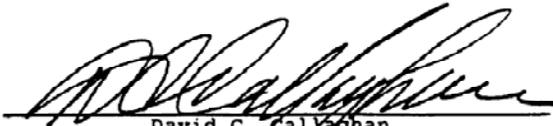
5.02. Injury. If an employee is injured in a motor vehicle accident, in addition to notifying the Division of Motor Vehicles, a Workers' Compensation Form WC-123 (Employer's Report of Injury) must be forwarded to the DEP Staffing office in Nitro within 24 hours.

Section 6. Complaints.

6.01. Complaints and inquiries about the use or misuse of state vehicles are seriously regarded. Reported violations will be investigated and appropriate action will be taken when warranted.

Section 7. Exceptions.

7.01. Exceptions to this policy must have prior written approval of the Director.


David C. Callaghan
Director

WV Division of Environmental Protection
Office of Mining and Reclamation
Inspection and Enforcement

Series: 2
Page: 1 of 1
Effective Date: 1-93

Subject: Requirements for Personal Safety Equipment

Purpose: To establish requirements for mandatory use of personal safety equipment

Definitions:

Legal Authority/Reference: 36-38.3 and 36-38.4

Policy/Procedure: All persons shall wear safety-toed shoes and a hard hat in and around the active area of any mine site. In addition, all persons shall wear safety-toed shoes equipped with metatarsal guards in and around underground mines, preparation plants, and loading facilities. All persons shall wear approved eye protection in and around underground mines, preparation plants, and loading facilities.



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

10 McJunkin Road
Nitro, WV 25143-2506

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

POLICY MEMORANDUM

TO: All Headquarters' Staff and Attorney General's Office
FROM: David C. Callaghan *[Signature]*
DATE: May 17, 1993
SUBJECT: Management of Central Files - OMR

With the growth of our Division of Environmental Protection and our ever-expanding range of duties and responsibilities, it is becoming increasingly difficult to maintain control of permit documents and other records in the central files. As you know, these files contain the documents of record for all legal proceedings and are the official public records for all other types of inquiries. In that regard, the integrity of these records and our ability to properly catalog them are of critical importance. In view of the above, I am requesting your cooperation in the use and management of the central files in accordance with the following directive.

Each inquiry into the files will be recorded by the central file staff. This record will include the name of the person making the inquiry, a permit number or other identification of the documents used, the date and time of the inquiry, the date and time of completion of the inquiry, and other pertinent information which may be requested.

No files or original documents are to be removed from the central file area. Arrangements have been made to have any documents which you may wish to keep in your personal files copied, including maps and drawings. Work space in the central file area is also being made available for your convenience in reviewing records.

Any original records which are currently in your possession are to be promptly returned to central files.

Any questions or comments you may have regarding the above may be directed to David Gay in the central file room. David will assist you in obtaining the information you need to perform your work.

DCC;RTH:cc

Effective Date:
11/1/93

Division of Environmental Protection

Communications Policy: Investigations & Emergency Situations

Section 1: Introduction.

1.01. The purpose of this policy is to ensure that information is readily available for release and/or dissemination to the appropriate Division officials and the news media.

Because of its regulatory, investigative and permitting authority, the Division of Environmental Protection will be required to comment on enforcement actions and emergency situations. At all times the DEP will provide honest and timely information on issues and situations.

Information on investigations and emergency situations that are apt to receive public and media attention should be communicated to the agency's Public Information Officer (PIO) as soon as possible. The PIO, working with the DEP Director, will determine agency response to the situation and whether to contact the Governor, Department Secretary and/or other agencies.

However, during active investigations into possible violations of environmental laws, rules and regulations, the Division will restrict the release of all information relating to the particular investigation, pending final action by the Division.

Section 2: Emergency Situations.

2.01. Examples of emergency situations are:

- *Imminent threat to human life and/or health.*
- *Job-related injury or death of DEP employees.*
- *Catastrophic event within the regulated community:*
 - *releases of toxic gases.*
 - *discoveries of high levels of hazardous substances near populated communities.*
 - *explosions or fires at regulated facilities.*
- *Natural disasters affecting regulated industries.*
- *Dam failures.*
- *Fish kills.*
- *Spills (on land and in water)*

Section 3: Briefing the Public Information Office.

3.01. The severity of the situation will dictate when to contact the Public Information Office. For example, if the situation involves imminent threat to human life and/or health, the Public Information Officer should be contacted immediately, day or night.

3.02. When briefing the Public Information Office, the following information must be provided:

- *Factual assessments of current situation.*
 - *What occurred.*
 - *Where and when it occurred (date, time and location).*
 - *What materials have been determined to be present (nature of products and potential hazards).*
 - *What activities the DEP is currently pursuing.*
 - *Personnel or agencies involved (DEP, DNR, OSM, EPA, etc.).*

Section 4: The Public Information Office's Role.

4.01. The Public Information Office will serve as the contact point for the news media, and will work with field and program staff to assemble information on enforcement and/or emergency situations.

Depending on the nature of the enforcement action or emergency situation, the PIO may send an information specialist to the scene to handle on-site media inquiries.

Because the media may arrive at the scene before the information specialist, the on-scene coordinator should designate one person to serve as spokesperson. The on-scene spokesperson will provide updates to the Public Information Office and respond to media inquiries until the information specialist arrives at the scene.

If necessary, the spokesperson, in consultation with the on-scene coordinator and local officials, shall determine a safe area close to the event where the media can obtain information without being in danger or hindering technical and emergency operations.

4.02. When on scene, the spokesperson shall NOT:

- *Speculate about the cause of the incident.*
- *Allocate any blame for the incident.*
- *Exaggerate or be emotional.*
- *Express personal opinions.*
- *Make subjective statements.*

4.03. As a general rule, if the spokesperson has any doubts about answering a question, refer the question to the PIO.

Section 5: Handling News Media Inquiries During Investigations.

5.01. While it is the DEP's policy to cooperate with the news media, there will be times when the release of information may prejudice an active investigation. During active investigations, the following can be supplied to the media:

- *Information to dispel any rumors of imminent public health dangers stemming from an investigation site.*
- *Explanation on why the agency is on-site (alerted to site through citizens complaints, etc.).*
- *Information that is disclosed by public record, including information contained on a complaint for a warrant issued by magistrate court.*
- *Status of investigation.*

5.02. To avoid the risk of prejudicing an agency investigation, the following information will be withheld from public disclosure until final action is taken by the DEP.

- *The results of any site examinations or test results.*
- *Any opinion, speculation, or general comment on the outcome or anticipated outcome of an agency investigation, or the handling of an investigation.*

5.03. THE DEP DOES NOT IDENTIFY COMPLAINANTS.

5.04. Questions dealing with Division policy, procedures or internal Division affairs should be referred to a program manager, office chief, PIO, or the Director.

5.05. When the Division is involved in a cooperative investigation with another state or federal agency, the responsibility for the release of information shall rest with the agency having primary investigatory responsibility, and shall be coordinated to the greatest extent possible.

Section 6: Exceptions.

6.01. Any exceptions to this policy must have prior written approval from the Director.



David C. Callaghan
Director

Division of Environmental Protection
Communications Policy: General News Media

Effective Date:
11/1/93

Section 1: Introduction.

1.01. This policy emphasizes the importance the Division of Environmental Protection places on the release of complete and accurate information to the news media and the role the news media has in communicating the Division's mission.

Public perception of the DEP is formed by the agency's actions and how those actions are communicated to the public through stories in newspapers and on television and radio. Therefore, it is important for DEP to cooperate with the media at all times by releasing complete and accurate information.

News pertaining to the DEP and its environmental responsibilities is generated in two ways: agency initiated, or media initiated. In either instance, it is important to remember that every time DEP employees talk with the news media, it is an opportunity to tell the DEP's story and to educate the public on environmental matters facing West Virginia.

Questions about this policy should be directed to the DEP Public Information Office.

Section 2: Public Information Office.

2.01. The Public Information Office's role is to respond to news media and public inquiries about the DEP and its activities. The Office also is responsible for working with the DEP's various programs to develop and coordinate informational and educational materials, news releases, exhibits, events and other public-oriented activities.

To accomplish its mission, the Public Information Office is staffed by the Public Information Officer (PIO), who is located in the Director's Office, and information specialists, who serve the offices of Abandoned Mine Lands & Reclamation, Administration, Air Quality, Information Services, Mining & Reclamation, Oil & Gas, Waste Management and Water Resources. Information specialists are located in the various program offices to better serve the programs and fulfill the Public Information Office's mission.

2.02. To ensure the DEP "speaks with one voice" and to avoid mixed messages or unnecessary controversies, the following guidelines have been developed:

2.02a. ***News Releases:*** All agency news releases shall be submitted to the PIO for review and approval before release. All agency news releases will be distributed by the Public Information Office. The Public Information Office maintains media mailing lists.

Offices that need assistance in developing news releases should contact the PIO, or an

information specialist. When a release is issued from the Public Information Office, copies will be distributed within DEP.

2.02b. ***Media Contacts:*** The PIO shall serve as the agency's main news media contact. While DEP employees are free to talk to the media, they should remain in close contact with the PIO to ensure that he/she is abreast of potential news stories and that agency management is advised. The media is encouraged to first contact the PIO when seeking information about the DEP. The media is not required to do this, but the Public Information Office is the clearing house for agency information and the PIO can either respond to, or direct a reporter's questions to the appropriate agency official(s).

2.02c. ***Publications:*** Promotional and educational material produced by the DEP shall be submitted to the PIO for review and editing prior to paste-up and printing. This is to ensure consistency among agency publications. A brochure, pamphlet, promotional or educational material should be printed in sufficient quantity to allow distribution to the DEP's field offices and at public events.

The DEP's commitment to the principles, practices and spirit of equal employment opportunity and to affirmative action shall be kept in mind when brochures, pamphlets or other promotional or educational materials are prepared for printing. As appropriate, the Equal Employment Opportunity statement, in brief or in full, shall be included on each such publication. Further, when illustrations or photographs depicting DEP employees or the general public are to be used, such illustrations or photos shall be reflective of the diversity of the agency work force and/or of the state's population.

2.02d. ***Displays:*** Promotional and educational displays that depict Division programs and offices should be coordinated with the Public Information Office and information specialists.

2.02e. ***Freedom of Information Requests:*** The PIO should be notified when offices receive Freedom of Information Act (FOIA) requests. Because of legal requirements, DEP program offices shall process requests in a timely manner and notify the PIO when the request has been completed. If the PIO receives a FOIA request, he/she will send it to the appropriate office where the information can be compiled or made available to the requestor (*see Communications Policy: Freedom of Information Act*).

As a rule, a request for agency information should be treated as a FOIA request if the information sought requires a file review or goes to specific agency actions. Persons seeking file reviews or information about agency actions should be requested to write a letter to the PIO, stating, as specifically as possible, the information being sought.

Information that is generic in nature, such as promotional and educational brochures, booklets and pamphlets, general reports (water quality, etc.) or permit and facilities lists (landfill, NPDES, UST, LUST, CERCLIS, etc.) should NOT be treated as a FOIA request

and should be handled in a timely fashion by the individual program offices without contacting the PIO or requiring a letter from the requestor (*a log of such requests should be kept to help the DEP better serve the public in the future*).

2.02f. ***Internal Communication:*** The PIO and Public Information Office information specialists are responsible for preparing the DEP Employee News. Information that might be of general interest to DEP employees should be coordinated with the program chiefs and sent to the PIO or information specialists.

Section 3: Handling News Media Inquiries.

3.01. Given its regulatory responsibilities, the DEP will be the focus of news media attention from time to time. Because public perception is influenced by the news media, it is important for the DEP to be consistent in the messages it sends through the media.

DEP employees are encouraged to talk with the media, however, only employees with direct involvement with an issue should consent to an interview. DEP employees with questions about media-related matters should contact the Public Information Office or an information specialist for guidance.

If a DEP employee declines a news media request for an interview, refer the news media to the PIO so other arrangements can be made. All referrals should be immediately reported to the PIO so he/she can prepare for the media call.

When talking with the news media, remember that reporters have a job to do, just as you do. Reporters work on deadlines, and may feel pressured to "get the story." Again, talking with a reporter is an opportunity to tell the DEP's side of an issue.

3.02. When responding to news media inquiries, DEP employees shall adhere to the following guidelines (*Guidelines on dealing with investigations and emergency situations are handled in a separate policy*):

- Determine who is the correct person to answer the questions. (*If the interview is on an issue the employee is directly involved with, and the employee feels comfortable talking to a reporter, then the employee may agree to the interview.*)
- Respond promptly to a media call and identify yourself as a DEP employee. Do **NOT** go home at the end of the day without returning the call. (*The DEP may have only one chance to respond to a story so we should make the effort to ensure our message is heard!*)
- Refer questions on agency policy, procedures and/or internal affairs to a program manager, office chief, PIO or the Director.
- Answer questions factually and completely.
- If you do not know the answer to a question, don't be afraid to say so. (*An answer should be obtained, or the reporter should be referred to someone who can respond to the question. An answer should be given before the end of the day.*)
- Be careful in selecting your words. (*Mean what you say! Say what you mean!*)

- Keep answers NON-technical and jargon free. *(Remember, you are the expert and you should explain the issue or situation clearly so the general public can understand.)*
- Keep your answers short and concise. *(Work to get your message across in 10 second to 15 second "sound bites." This will help when being interviewed by radio or television reporters.)*
- Control the interview. *(Stress and re-stress the points you think are the most important .)*
- Counteract negative questions with positive answers. *(Do not repeat the negative question.)*
- Try to further a reporter's education on the issue or issues. *(Most reporters are generalists, so take some time to explain the issue.)*
- Do NOT use humor or sarcasm to make a point or explain an issue.
- NEVER make up an answer, or give inaccurate information.
- NEVER say "NO comment." *(It gives the impression you are hiding something.)*
- NEVER inject personal opinion into the interview. *(When being interviewed, you are representing the DEP, not yourself.)*
- NEVER become angry or lose your temper during the interview. *(If you become angry, take a deep breath and count to 10, or excuse yourself for a moment so you can regain your composure.)*
- NEVER speculate on a cause or what the agency may do. *(Your speculation could end up being the lead story on the 6 o'clock news or the banner headline in the next day's newspaper.)*
- NEVER use "off the record." *(Assume everything you say will be quoted. If you don't want to see it in print, then do not say it.)*
- NEVER ask a reporter to kill a story. *(It may only serve to create a controversy.)*

Section 4: After the Interview Follow Up.

4.01. After the interview, contact your supervisor, Public Information Office information specialist or PIO to provide a brief summary of the interview.

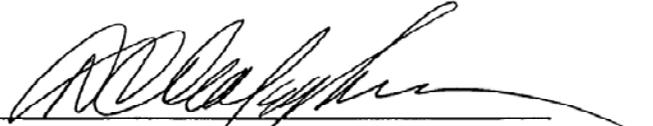
4.02. Look for the story to see if the reporter accurately reported the event and your comments. *(Use the experience as a learning tool. Send a copy of the story to the Public Information Office so it can become part of the agency's regular news summary.)*

4.03. If the reporter mis-quoted you or inaccurately reported the issue, call the reporter to see if you can clear up any misunderstandings. *(Be tactful in your approach. No one likes being told they may have done something wrong.)*

4.04. If you have problems with a member of the news media, contact the PIO for assistance.

Section 5: Exceptions.

5.01. Any exceptions to this policy must have prior written approval from the Director.

A handwritten signature in black ink, appearing to read 'D. Callaghan', written over a horizontal line.

David C. Callaghan
Director

Subject: Policy Effectiveness

1. Purpose: Clarification of effectiveness of current policies
2. Definitions:
3. Legal Authority/Reference: 22-3-4
4. Policy/Procedure:

By virtue of the authority granted in Section 4, Article 3, Chapter 22 of the West Virginia Surface Coal Mining and Reclamation Act, the following disclaimer will take effect immediately:

Any policy/procedure written prior to 1/93 that is not contained in the Inspection and Enforcement Handbook (compiled circa 1/93 as updated) is considered void and rendered non-enforceable.