

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on April 6, 2016, the following order was made and entered:

State of West Virginia ex rel. West Virginia
Association of Probation Officers, John D. Lantz,
Jerome V. DiBacco, Jr., Heidi L. Pauley,
Monica Varney, and Phyllis Vaughan,
Petitioners

vs.) No. 16-0339

Glen B. Gainer, III, West Virginia State Auditor,
Respondent

SCHEDULING ORDER

On this day, April 6, 2016, came the petitioners, West Virginia Association of Probation Officers, et al. by counsel, John M. Hedges, Esq., and Stephanie L. Mascella, Esq., Hedges & Lyons, PLLC, and presented to the Court their petition praying for a writ of mandamus to be directed against the respondent, Glen B. Gainer, III, West Virginia State Auditor, as therein set forth.

It is hereby ordered that the respondent file a response to the petition for writ of mandamus, pursuant to Rule 16(g) R.A.P., or a summary response, pursuant to Rule 16(h) R.A.P., on or before April 20, 2016.

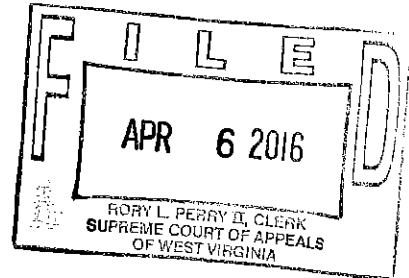
Once the deadline for filing a response has passed, the matter will be mature for consideration by the Court pursuant to Rule 16(i) R.A.P. In due course thereafter, parties will be notified of any decision in the case.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court



IN THE WEST VIRGINIA SUPREME COURT OF APPEALS
DOCKET NO. 16-0339



STATE OF WEST VIRGINIA EX REL. WEST VIRGINIA
ASSOCIATION OF PROBATION OFFICERS,
JOHN D. LANTZ, JEROME V. DIBACCO, JR.,
HEIDI L. PAULEY, MONICA VARNEY, and PHYLLIS VAUGHAN,

Petitioners,

v.

GLEN B. GAINER, III, WEST VIRGINIA STATE AUDITOR,

Respondent.

PETITION FOR WRIT OF MANDAMUS

Prepared By:

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Counsel for Petitioners

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I. QUESTION PRESENTED

This Petition presents the question of whether West Virginia Code § 62-12-5(c) mandates that Respondent Gainer continue a semi-monthly pay frequency for probation officers and their clerical staff.

II. STATEMENT OF THE CASE

Petitioner West Virginia Association of Probation Officers is a non-profit organization chartered in 1979 to represent the interests of probation officers within the State. The membership of the Association currently includes 252 adult and juvenile probation officers, intensive supervision officers, drug court probation officers, and school-based probation officers.

Petitioner John D. Lantz is the Chief Probation Officer for the Second Judicial Circuit of West Virginia; and Jerome V. DiBacco, Jr. is the Chief Probation Officer for the Twenty-First Judicial Circuit. Petitioner Heidi L. Pauley is the administrative assistant for the Probation Office of the Twenty-Fifth Judicial Circuit located in Lincoln County; and Petitioner Monica Varney and Petitioner Phyllis Vaughan are administrative assistants for the Probation Office in the Twenty-Fourth Judicial Circuit.

West Virginia probation officers and their administrative assistants are generally appointed by each circuit court subject to the approval of the West Virginia Supreme Court of Appeals. W. Va. Code § 62-12-5(b). There are approximately 302 probation officers presently serving in the State Judiciary. There are approximately 80 administrative assistants in the probation offices throughout the State.

Respondent Glen B. Gainer, III is West Virginia's State Auditor. As State Auditor, Respondent Gainer serves as the State's official bookkeeper, Chief Inspector and

Supervisor over Public Offices, Securities Commissioner, and Commissioner of Delinquent and Non-entered Lands. Duties of the State Auditor include administering the payroll system for state employees and elected officials.

In relation to his position as State Auditor, Respondent Gainer serves on the West Virginia Enterprise Resource Planning Board (hereinafter "ERP Board"). The ERP Board is composed of the State Governor, Auditor, and Treasurer. W. Va. Code § 12-6D-1(c). According to West Virginia Code § 12-6D-1, the ERP Board was created to "develop, implement and manage the Enterprise Resource Planning System." Enterprise resource planning is defined by statute as:

[T]he implementation of software applications to achieve the comprehensive integration of data sources and processes of state agencies into a unified system that includes the state's financial management, procurement, personnel, payroll, budget development and other administrative business processes. W. Va. Code § 12-6D-1(a).

In December 2011, the ERP Board entered into a contract with CGI Group, Inc., a Virginia based software vendor, to purchase an integrated software service system for \$98 million.¹ The system is referred to as *wvOASIS*, an acronym for "Our Advanced Solution with Integrated Systems." The implementation of *wvOASIS* was facilitated by the ERP Board, which receives recommendations from an Executive Steering Committee that is composed of representatives from the Executive and Legislative

¹ Press Release, *West Virginia to Implement OASIS Enterprise Resource Planning Solution* (Office of State Auditor, Dec. 14, 2011); Jared Hunt, *Software to Merge State Systems*, *Charleston Gazette-Mail* (Dec. 15, 2011). More recently, it has been reported that the State ended up spending more than \$123 million on the software system. Phil Kabler, *State Employee Pay Switch Plan Placed on Hold*, *Charleston Gazette-Mail* (Nov. 2, 2015).

branches of State government. No representatives of the Judicial branch are on the Board or Steering Committee.²

West Virginia Code § 6-7-1 governs the payment frequency for State officials, officers, and employees. Previously, the statute required that State employees be paid twice per month. However, in 2014, Senate Bill 322 was passed and went into effect changing the language of the statute to provide that employees be paid "at least twice per month" W. Va. Code § 6-7-1. The payment frequency for probation officers and clerical assistants is governed by West Virginia Code § 62-12-5(c), which provides: "The salary of probation officers and clerical assistants shall be paid monthly or semimonthly, as the Supreme Court of Appeals by rule may direct"

On April 23, 2013, the ERP Board voted to change West Virginia State employees' payroll frequency from semi-monthly to bi-weekly.³ Before that could happen, the statutory requirement for semi-monthly paychecks needed to be changed. Senate Bill 322 in 2014 (discussed above) accomplished that, at least for most State personnel. The decision to move to a bi-weekly system will result in 26 payroll periods per year for State employees as opposed to 24 semi-monthly payroll periods. Accordingly, employees will receive more than two paychecks in certain months each year, although the amount of all paychecks will be reduced due to the greater frequency of payment. In June of 2015, Wave 1 of the wvOASIS payroll conversion took place

² Corporate Governance, wvOASIS, www.wvoasis.gov/GovernanceStructure.aspx (last visited Apr. 4, 2016).

³ Joe Price, *WV Payroll Switch Explained*, Charleston Gazette-Mail (Nov. 11, 2015).

and 8,900 State employees transitioned from semi-monthly to bi-weekly pay.⁴ Wave 2 will involve transitioning the remaining State employees to bi-weekly pay and is scheduled to begin in May 2016.⁵

III. SUMMARY OF ARGUMENT

It is well-established that, when two applicable statutes conflict, precedence is given to the specific statute over the general statute. West Virginia Code § 6-7-1 generally provides that all State employees must be paid at least two times a month. However, West Virginia Code § 62-12-5(c) specifically provides that probation officers and their clerical staff must be paid on a monthly or semi-monthly basis. Although the statutes conflict, it is clear that the latter is specific to probation officers and staff and therefore, controls.

Respondent Gainer intends to implement the *wvOASIS* payroll system in May of this year. This is a bi-weekly payroll system that results in 26 pay periods each year. Previously, all State employees received semi-monthly paychecks, amounting to 24 checks per year. The new payroll system will cause probation officers and their staff to receive bi-weekly paychecks in violation of West Virginia Code § 62-12-5(c). Respondent Gainer's actions to convert probation officers and staff to bi-weekly pay will circumvent the controlling statute.

⁴ The agencies in the Wave 1 transition include: Governor's Office; Auditor's Office; Treasurer's Office; Department of Agriculture; Enterprise Readiness Planning Board; Department of Transportation (except Parkways); Department of Natural Resources; and Department of Administration (all departments - except Children's Health Insurance Program).

⁵ Based on information currently available, Wave 2 of the *wvOASIS* will begin with the two-week pay period of May 14 through May 27, 2016; and under the arrears system paychecks for that period would be received by state employees on June 10, 2016.

Such a change not only violates a clear statutory directive, but will also cause irreparable harm in the form of shortages in payment of annual salaries and diminution of retirement benefits. Therefore, this Court must issue a writ of mandamus enforcing West Virginia Code § 62-12-5(c) and directing Respondent Gainer to refrain from implementing a bi-weekly payroll system for probation officers and staff.

IV. STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Pursuant to Rule 18(a) of the West Virginia Rules of Appellate Procedure, oral argument is not required or necessary in this case. The issues raised in the Petition involve the application of well-established law regarding statutory interpretation, and the facts and arguments are adequately set forth in this Petition. Thus, oral argument would not significantly aid this Court's resolution of this matter.

V. ARGUMENT

A. Applicable Standard

It is well-established that "[m]andamus is a proper remedy to require the performance of a nondiscretionary duty by various governmental agencies or bodies." Syl. Pt. 1, *State ex rel. Allstate Ins. Co. v. Union Pub. Serv. Dist.*, 151 W. Va. 207, 151 S.E.2d 102 (1966). Accordingly, "[m]andamus will lie against a State official to adjust prospectively his or her conduct to bring it into compliance with any statutory or constitutional standard." Syl. Pt. 2, *Gribben v. Kirk*, 195 W. Va. 488, 466 S.E.2d 147 (1995). A writ of mandamus may be issued if three elements coexist: "(1) the existence of a clear right in the petitioner to the relief sought; (2) the existence of a legal duty on the part of the respondent to do the thing the petitioner seeks to compel; and (3) the absence of another adequate remedy at law." Syl. Pt. 1, *Meadows v. Lewis*, 172 W. Va.

457, 307 S.E.2d 625 (1983). Although mandamus is not proper relief when another "specific and adequate remedy exists, if such other remedy is not equally as beneficial, convenient, and effective, mandamus will lie." Syl. Pt. 4, *Cooper v. Gwinn*, 171 W. Va. 245, 298 S.E.2d 781. (1981). Pursuant to Article VIII, § 3 of the West Virginia Constitution, this Court has original jurisdiction over mandamus proceedings.

B. The wvOASIS Bi-Weekly Pay Schedule Violates West Virginia Code § 62-12-5(c) Governing the Pay of Probation Officers and Their Clerical Staff.

The rules of statutory construction require that a specific statute be given precedence over a general one when both relate to the same subject matter and the two cannot be reconciled. "The general rule of statutory construction requires that a specific statute be given precedence over a general statute relating to the same subject matter where the two cannot be reconciled." Syl. Pt. 1, *UMWA by Trumka v. Kingdon*, 174 W. Va. 330, 325 S.E.2d 120 (1984); Syl. Pt. 1, *Whitlow v. Board of Educ. of Kanawha Cnty.*, 190 W. Va. 223, 438 S.E.2d 15 (1993). "Typically, when two statutes govern a particular scenario, one being specific and one being general, the specific provision prevails." *Bowers v. Wurzburg*, 205 W. Va. 450, 462, 519 S.E.2d 148, 160 (1999).

The recently amended West Virginia Code § 6-7-1 states that State employees must be paid at least twice per month. In relevant part, this statute provides:

All full-time and part-time salaried and hourly officials, officers and employees of the state, state institutions of higher education and the Higher Education Policy Commission shall be paid at least twice per month, and under the same procedures and in the same manner as the State Auditor currently pays agencies

This statutory revision facilitates the conversion to bi-weekly pay for State employees generally. However, West Virginia Code § 62-12-5(c) unequivocally provides that probation officers and their clerical staff must continue to be paid monthly or semi-monthly. The relevant portion of this statute states that: "The salary of probation officers and clerical assistants shall be paid monthly or semimonthly, as the Supreme Court of Appeals by rule may direct" Although, at first glance, both West Virginia Code §§ 6-7-1 and 62-12-5(c) appear to govern the pay frequency of State employees, the latter is specific to probation officers and their clerical staff. Accordingly, it must control with regard to their payroll system.

Respondent Gainer apparently plans to implement the *wvOASIS* payroll system to all State employees in May of this year. This is a bi-weekly payroll system that will result in employees receiving 26 paychecks per year. In the past, all State employees were paid on a semi-monthly basis, receiving 24 paychecks per year. Respondent Gainer's blanket implementation will violate West Virginia Code § 62-12-5(c). Under this statute, probation officers and their staff must continue to be paid semi-monthly. Although the ERP Board is permitted to "[d]o all things necessary or convenient to implement and operate the Board and carry out the purposes of this article," this general power does not permit the Board to circumvent the law. W. Va. Code § 12-6D-2(12). Pursuant to West Virginia Code § 62-12-5(c), Petitioners are entitled to semi-monthly or monthly payments. Implementing a bi-weekly pay frequency is in direct violation of the controlling statute. Accordingly, this Court should mandate that Respondent Gainer

refrain from implementing the wvOASIS payroll system with regard to probation officers and clerical staff.⁶

There are other legal issues that surface in conjunction with the clear statutory dictate that probation officers and their clerical staff must be paid on a semi-monthly basis. Consistent with subsection (b) of West Virginia Code § 62-12-5, probation officers and clerical assistants are each paid an annual salary as approved by the West Virginia Supreme Court. These annual salaries are those established and promulgated by the Court in the *West Virginia Judicial Personnel System Manual*. The annual salaries for all statewide judicial positions are set out in Appendix B therein, including those for probation officers and clerical staff.⁷

The bi-weekly pay scheme will result in decreasing the annual salary received by every probation officer and clerical assistant, at least during the transition year. The Auditor's plan will therefore also usurp this Court's statutory authority to establish the annual salaries of probation officers and their staff.⁸ An example will illustrate the unlawful, and economically harmful, effect of the bi-weekly scheme. Under the Court's salary schedule, a master's level probation officer with 20 years of experience has an annual salary of \$43,308. Under the current pay system, the officer receives a gross

⁶ It is important to keep in mind that continuing to pay probation officers and staff semi-monthly, as required under West Virginia Code § 62-12-5(c), does not conflict with § 6-7-1. The latter statute only provides that State personnel are to be paid at least twice per month. Rather, it is the wvOASIS bi-weekly pay plan that would violate Section 62-12-5(c).

⁷ The portions of the salary schedules promulgated by the Court pertaining to probation officers and staff are attached as Exhibit 1. Salaries are adjusted beyond the scheduled amounts for percentage and across-the-board raises provided to State employees.

⁸ This shortage on annual salaries will affect all judicial personnel, not just probation officers and staff.

monthly salary of \$3,609, paid in semi-monthly installments of \$1,804.50 each. (\$43,308 divided by 24 pay periods.) For the period from January 1, 2016 through May 31, 2016, the officer will receive 10 semi-monthly payments totaling \$18,045.⁹ The change-over to bi-weekly pay is set to begin with the two-week period from May 14 to May 27, 2016. The first bi-weekly paycheck (for that two-week May period) will be received on June 10, 2016. There will be 15 paychecks issued during the remainder of the year, the last being issued on December 23, 2016.¹⁰ Each bi-weekly paycheck received by this probation officer will be for a gross pay of \$1,665.70; totaling for this period \$24,985.50. For the transition year this officer will receive \$43,030.50, which is \$277.50 less than the annual salary due in 2016.

Because the change to bi-weekly pay reduces each paycheck (from the semi-monthly amount), and because the final pay period will no longer coincide with the end of the year, these probation officers and staff will effectively be deprived of the pay for the final days of the transition year. This deprivation of pay will remain until their separation from employment, which may be years down the road.

Additional economic harm will result for those who retire within the next several years. This is due to the statutory formula for calculation of retirement pay tied to the "final average salary" that is based on annual compensation. W. Va. Code § 5-10-2(13). The reduction of annual salary due to the transition from semi-monthly to bi-weekly pay will result in the reduction of retirement pay for these employees.

⁹ Another change brought about by Senate Bill 322 in 2014 is that all State employees, including judicial employees, are now paid "in arrears." W. Va. Code § 6-7-1 (second proviso). Thus, the last semi-monthly paycheck on May 31, 2016 covers earnings for work performed during the first half of May.

¹⁰ See attached Exhibit 2 for the 2016 wvOASIS pay periods and pay dates.

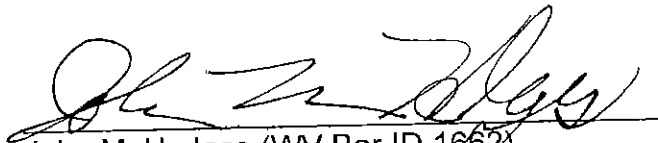
Based upon the foregoing, irreparable harm will result if Respondent Auditor is not compelled to continue to pay probation officers and clerical staff semi-monthly as required by statute. Therefore, the notice provisions of West Virginia Code § 55-17-3 have no application to the instant action.

VI. CONCLUSION

For the reasons discussed herein, Petitioners pray that this Court issue a rule to show cause, and therein order a stay of Respondent Gainer's plan to implement a bi-weekly payroll system for probation officers and staff in violation of West Virginia Code § 62-12-5(c). Thereafter, the Petitioners respectfully request that this Court grant the Petition and award the mandamus relief sought herein, together with costs and attorney fees, and grant any other relief deemed appropriate.

WEST VIRGINIA ASSOCIATION OF
PROBATION OFFICERS, JOHN D. LANTZ,
JEROME V. DIBACCO, JR.,
HEIDI L. PAULEY, MONICA VARNEY, and
PHYLLIS VAUGHAN
Petitioners

By Counsel



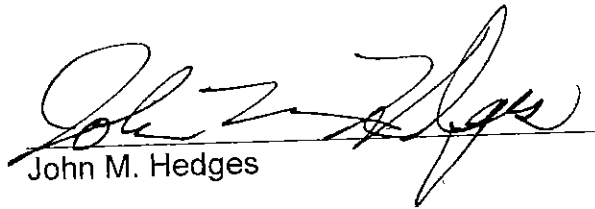
John M. Hedges (WV Bar ID 1662)
Stephanie L. Mascella (WV Bar ID 12774)
HEDGES & LYONS, PLLC
141 Walnut Street
Morgantown, WV 26505
(304) 296-0123

Counsel for Petitioner

CERTIFICATE OF SERVICE

I, John M. Hedges, hereby certify that on the 5th day of April 2016, I served the foregoing *Petition for Writ of Mandamus* via Federal Express, postage prepaid, upon the following:

Glen B. Gainer, III, State Auditor
West Virginia State Auditor's Office
1900 Kanawha Blvd., East
Building 1, Room W-100
Charleston, WV 25305


John M. Hedges

PROBATION OFFICERS

PROBATION OFFICER I

	Years of Credited Experience Completed	Step	Salary
Bachelor=s (entry)	0	1	26,580
	1	2	27,420
	2-3	3	28,320
	4-5	4	29,280
		5	30,252
		6	31,308
		7	32,388
		8	33,528
		9	34,728
		10	35,988
Master=s (entry)	0	4	29,280
	1	5	30,252
	2-3	6	31,308
	4-5	7	32,388
		8	33,528
		9	34,728
		10	35,988

B2

[As amended effective July 1, 2002]

EXHIBIT 1

PROBATION OFFICER II
 (After 6 years of credited experience completed)

	Years of Credited Experience Completed	Step	Salary
Bachelor=s	6 - 7 - 8	1	31,308
	9 - 10 - 11	2	32,388
	12 - 13 - 14	3	33,528
	15 - 16 - 17	4	34,728
	18 - 19 - 20	5	35,988
	21+	6	37,320
Bachelor top-out		7	38,712
		8	40,176
		9	41,700
		10	43,308
Master=s	6 - 7 - 8	4	34,728
	9 - 10	5	35,988
		6	37,320
		7	38,712
		8	40,176
		9	41,700
		10	43,308

PROBATION OFFICER III
(Master=s and 11 years of credited experience completed)

Years of Credited Experience Completed	Step	Salary
11 - 12 - 13	1	38,712
14 - 15 - 16	2	40,176
17 - 18 - 19	3	41,700
20 - 21 - 22	4	43,308
Master=s top-out 23+	5	45,012
	6	46,776
	7	48,636
	8	50,604
	9	52,656
	10	54,816

PROBATION OFFICER IV
(Master=s + 15 and 16 years of credited experience completed)

Years of Credited Experience Completed	Step	Salary
16 - 17 - 18	1	43,308
19 - 20 - 21	2	45,012
22 - 23 - 24	3	46,776
25 - 26 - 27	4	48,636
28 - 29 - 30	5	50,604
31 - 32 - 33	6	52,656
Master=s +15 top-out 34+	7	54,816
	8	57,072
	9	59,460
	10	61,944

OTHER SALARY GRADES
Effective July 1, 2002
Secretaries, Librarians, Probation Officers & Juvenile Referees

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
1	20,028.00	20,460.00	20,928.00	21,420.00	21,924.00	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00
2	20,460.00	20,928.00	21,420.00	21,924.00	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00
3	20,928.00	21,420.00	21,924.00	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00
4	21,420.00	21,924.00	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00
5	21,924.00	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00
6	22,464.00	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00
7	23,028.00	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00
8	23,628.00	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00
9	24,264.00	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00
10	24,996.00	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00
11	25,764.00	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00
12	26,580.00	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00
13	27,420.00	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00
14	28,320.00	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00
15	29,280.00	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00
16	30,252.00	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00
17	31,308.00	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00
18	32,388.00	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00
19	33,528.00	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00
20	34,728.00	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00
21	35,988.00	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00
22	37,320.00	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00
23	38,712.00	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00
24	40,176.00	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00
25	41,700.00	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00
26	43,308.00	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00
27	45,012.00	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00
28	46,776.00	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00
29	48,636.00	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00	70,224.00
30	50,604.00	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00	70,224.00	73,260.00
31	52,656.00	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00	70,224.00	73,260.00	76,452.00
32	54,816.00	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00	70,224.00	73,260.00	76,452.00	79,788.00
33	57,072.00	59,460.00	61,944.00	64,584.00	67,332.00	70,224.00	73,260.00	76,452.00	79,788.00	83,328.00

S:\ADMIN\SALRH702.WPD

2016 wvOASIS Pay Periods and Dates

2016 wvOasis Pay Periods and Pay Dates

ARREARS

Pay Date	Pay Period
6/10/16	5/14/16 - 5/27/16
6/24/16	5/28/16 - 6/10/16
7/8/16	6/11/16 - 6/24/16
7/22/16	6/25/16 - 7/8/16
8/5/16	7/9/16 - 7/22/16
8/19/16	7/23/16 - 8/5/16
9/2/16	8/6/16 - 8/19/16
9/16/16	8/20/16 - 9/2/16
9/30/16	9/3/16 - 9/16/16
10/14/16	9/17/16 - 9/30/16
10/28/16	10/1/16 - 10/14/16
11/10/16	10/15/16 - 10/28/16
11/23/16	10/29/16 - 11/11/16
12/9/16	11/12/16 - 11/25/16
12/23/16	11/26/16 - 12/9/16
1/6/17	12/10/16 - 12/23/16
1/20/17	12/24/16 - 1/6/17

ELECTED PAID CURRENT

Pay Date	Pay Period
6/10/16	5/28/16 - 6/10/16
6/24/16	6/11/16 - 6/24/16
7/8/16	6/25/16 - 7/8/16
7/22/16	7/9/16 - 7/22/16
8/5/16	7/23/16 - 8/5/16
8/19/16	8/6/16 - 8/19/16
9/2/16	8/20/16 - 9/2/16
9/16/16	9/3/16 - 9/16/16
9/30/16	9/17/16 - 9/30/16
10/14/16	10/1/16 - 10/14/16
10/28/16	10/15/16 - 10/28/16
11/10/16	10/29/16 - 11/11/16
11/23/16	11/12/16 - 11/25/16
12/9/16	11/26/16 - 12/9/16
12/23/16	12/10/16 - 12/23/16
1/6/17	12/24/16 - 1/6/17
1/20/17	1/7/17 - 1/20/17

H H

VERIFICATION

I, Erika M. Elswick, currently serving as the duly elected President of the West Virginia Association of Probation Officers, one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.

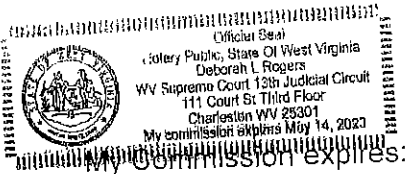
Erika M. Elswick

Erika M. Elswick

Sworn to or affirmed before me by Erika M. Elswick, in her capacity as president of the West Virginia Association of Probation Officers, on the 6th day of April, 2016.

Deborah L. Rogers

Deborah L. Rogers
Notary Public



My commission expires: May 14, 2023

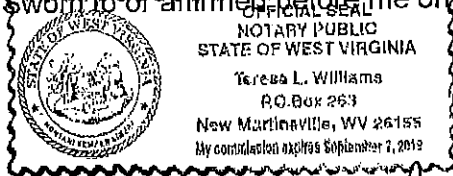
VERIFICATION

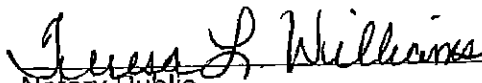
I, John D. Lantz, one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.



John D. Lantz

sworn to or affirmed before me on the 5th day of April, 2016.



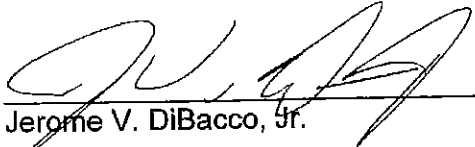


Notary Public

My Commission expires: Sept 7, 2019

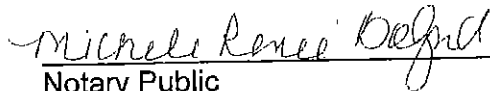
VERIFICATION

I, Jerome V. DiBacco, Jr., one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.



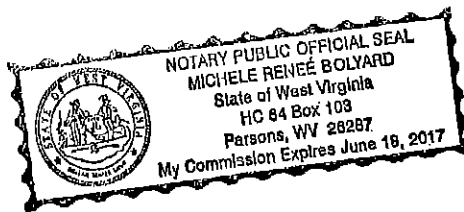
Jerome V. DiBacco, Jr.

Sworn to or affirmed before me on the 5 day of April, 2016.



Notary Public

My Commission expires: June 18, 2017



VERIFICATION

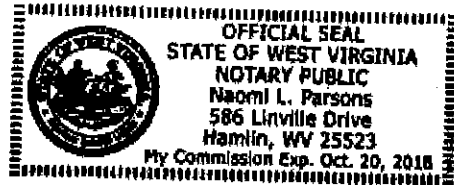
I, Heidi L. Pauley, one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.

Heidi L. Pauley
Heidi L. Pauley

Sworn to or affirmed before me on the 5th day of April, 2016.

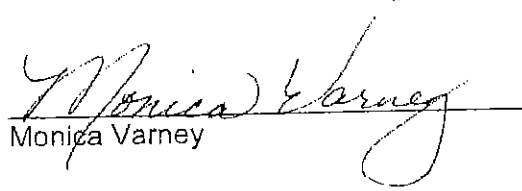
Naomi Lynn Parsons
Notary Public

My Commission expires: Oct. 20, 2018



VERIFICATION

I, Monica Varney, one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.



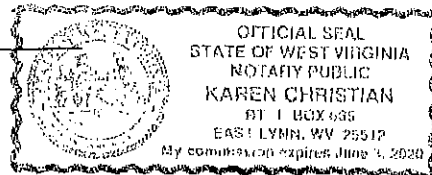
Monica Varney

Sworn to or affirmed before me on the 5 day of April, 2016.



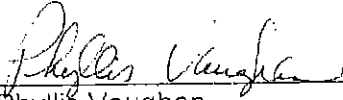
Notary Public

My Commission expires: 6/3/20




VERIFICATION

I, Phyllis Vaughan, one of the Petitioners named in the foregoing Petition for Writ of Mandamus, upon oath or affirmation to tell the truth, says that the facts stated in this Petition are true to the best of my personal knowledge and belief.



Phyllis Vaughan

Sworn to or affirmed before me on the 5 day of April, 2016.



Notary Public

My Commission expires: 6/3/20

