

| <i>Jefferson County Policies & Procedures</i> | | | |
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| Policy Name: | Bonus Payments | Approved: | 7/26/2012 |
| Policy Number: | 306 | Author: | Keyser/Shroyer |
| Associated: | | | |

For this policy, the definition of a “Bonus Payment” shall be any payment of wages made to an employee that is in excess of wages payment due based on actual hours worked.

Article VI, Section 38 of the WV Constitution stipulates the following:

No extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any Legislature authorize the payment of any claim or part thereof, hereafter created against the state, under any agreement or contract made, without express authority of law; and all such unauthorized agreements shall be null and void, Nor shall the salary of any public officer be increased or diminished during his term of office, nor shall any such officer, or his or their sureties be released from any debt or liability due to the state; Provided, the legislature may make appropriations for expenditures hereafter incurred in suppressing insurrection, or repelling invasion.

Case laws related to this constitutional provision hold that local government employees fall within the meaning of ‘public servant’ and therefore subject to the provisions of this section.

For budgetary purposes, the County Commission shall consider an employee’s base salary to be set by the first payroll period of July of any Fiscal Year. Any adjustment to the base salary would require the approval of the County Commission prior to any change in base pay.

In the event a bonus payment is made and verified by either the Director of Financial Management or the State Auditor, the responsible elected official or department head having authorized payment of any bonuses will be required to re-pay all bonus funds personally within 30 days. Failure to do so will result in legal action taken against the responsible as provided by State Code 11-8-30.