

Letter Report:

Department of Transportation, Dual Title System.

PERD’s Objectives:

The objective of this review was to examine the cost, possible duplication of services, and rationale for a person having the dual title and responsibilities of DOT secretary and DOH commissioner.

Key Recommendations:

The Legislature should consider eliminating the dual-title provision since it results in two people carrying out the duties of the secretary and commissioner, and at salaries that are significantly above the statutory salaries established for both positions under W. Va. §6-7-2a(a).

The Legislature should clearly define and distinguish the powers, duties, and responsibilities of the commissioner of Highways.

The Legislature may need to revisit the current statutory salaries of \$92,500 for the commissioner and \$95,000 for the secretary since they have been unchanged in Code for more than 12 years.

In 2020, the chairs of the Joint Committee on Government Organization requested that PERD conduct an evaluation of the Department of Transportation (DOT) leadership arrangement, wherein one individual may serve simultaneously as the DOT cabinet secretary and the Division of Highways (DOH) commissioner.

What Did PERD Find?

The Legislative Auditor contends that the statutory responsibilities of the commissioner and the cabinet secretary cannot be accomplished by one person because a single individual realistically cannot be effective serving in this dual role. This proves to be true in practice since the dual-title provision invariably leads to another person being employed in the capacity of deputy secretary/commissioner and receives a salary over \$100,000.

According to the current administration, the powers, duties, and responsibilities of the secretary and commissioner are collaborated equally between two persons. This suggests that in practice, one person cannot devote full time and attention to the commissioner’s responsibilities, assuming they include the cabinet secretary’s responsibilities.

The current dual-title provision results in the cabinet secretary receiving the salary of \$120,000 for the dual title of secretary/commissioner, and the DOH commissioner receiving the salary of \$117,000, which is not mandated in statute. **Both individuals are at higher salaries, but they are functioning to fulfill the responsibilities of secretary and commissioner** (see figure below).

	Initial Title (March 2019)	Initial Salary	Current Title (Sept. 2019 – present)	Current Salary
Byrd White III	Secretary	\$95,000*	Secretary/ Commissioner	\$120,000*
Jimmy Wriston	Commissioner	\$92,500*	Deputy Secretary/ Deputy Commissioner	\$117,000

*Sources: PERD analysis, OASIS, W.Va. State Code §6-7-2A, Governor’s Press Releases.
Statutorily mandated annual salary.

- Since 2001, it has been commonplace for one individual to serve in the dual title capacity, and a statutory salary for the dual system was passed in 2008.
- The DOH commissioner’s duties and responsibilities are not all explicitly stated in W.Va. State Code §17-2A-2, making it unclear whether one person can devote full time and attention to the commissioner’s duties if that person is also assuming the position of the cabinet secretary.
- The secretary and commissioner positions have extensive responsibilities, and, therefore, they should function as two distinct positions.