

1                                   **H. B. 2992**

2  
3                   (By Delegates Fleischauer, Sobonya, Guthrie,  
4                   M. Poling, C. Miller, Mahan, Hatfield,  
5                   Marshall, Staggers, Brown and Poore)  
6

7                   [Introduced February 2, 2011; referred to the  
8                   Committee on Government Organization then the Judiciary.]  
9

10 A BILL to amend and reenact §21-5E-6 of the Code of West Virginia,  
11                1931, as amended, relating to authorizing the equal pay  
12                commission to study the "glass ceiling" concept and to make  
13                recommendations as appropriate.

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

15                That §21-5E-6 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 5E.   EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES.**

18 **§21-5E-6.   Commission's duties; promulgation of rules.**

19                (a) The equal pay commission shall study both the methodology  
20 and funding for the implementation of a gender discrimination  
21 prohibition and shall prepare reports for submission to the  
22 Legislature which include:

23                (1) An analysis of state job descriptions which measures the  
24 inherent skill, effort, responsibility and working conditions of  
25 various jobs and classifications; and

26                (2) A review of similar efforts to eliminate gender-based wage

1 differentials implemented by other governmental entities in this  
2 and other states.

3 (b) The commission shall submit an initial report with  
4 recommendations for implementation of a gender discrimination  
5 prohibition to the Joint Committee on Government and Finance not  
6 later than July 1, 2000, and shall submit status reports annually  
7 thereafter.

8 (c) The commission may also study the effect of the "glass  
9 ceiling," or the invisible but real barrier through which the next  
10 stage or level of advancement can be seen, but cannot be reached by  
11 a section of qualified and deserving employees. The commission may  
12 make recommendations as appropriate based upon its findings.

13 ~~(c)~~ (d) Based upon the findings and recommendations in its  
14 report, the commission may propose legislative rules for  
15 promulgation in accordance with article three, chapter twenty-nine-  
16 a of this code to implement the provisions of this article.

17 ~~(d)~~ (e) The Legislature finds that it has not fully assessed  
18 the potential cost to the state if the provisions of sections three  
19 and four of this article are implemented and that those provisions  
20 should not be implemented until a reasonable estimate of the amount  
21 of public funds that may be required for appropriation and  
22 expenditure as a result of the implementation can be calculated.  
23 Accordingly, notwithstanding any other provisions of this article  
24 to the contrary, the provisions of sections three and four of this

1 article shall not become effective until enactment of general law  
2 specifically providing an effective date of implementation of those  
3 sections. During the interim period between the 2002 regular  
4 session of the Legislature and the 2003 regular session of the  
5 Legislature, the equal pay commission shall, in the manner  
6 prescribed by the Joint Committee on Government and Finance, meet  
7 and consult with the Joint Standing Committee on the Judiciary, the  
8 Joint Committee on Finance and others as may be prescribed for the  
9 purposes of conducting a joint assessment of budgetary or other  
10 financial impact on the state if the provisions of sections three  
11 and four of this article are implemented. Prior to the 2003  
12 regular session of the Legislature, those directed to conduct the  
13 joint assessment shall report their findings to the Joint Committee  
14 on Government and Finance and, if warranted, report any  
15 recommendations for the passage of legislation that would  
16 effectively lessen or eliminate the cost of implementation of  
17 sections three and four of this article in a manner that is  
18 consistent with achieving the purposes for which this article was  
19 initially enacted.

NOTE: The purpose of this bill is to give the equal pay commission authority to study the effect of the glass ceiling and to make recommendations as appropriate.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

2011R2262