

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2993

**FISCAL
NOTE**

2015 Carryover

(BY DELEGATES SOBONYA AND MILLER)

[Introduced January 13, 2016; referred to the
Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-6-29, relating to pay on promotion of employees in the classified service;
 3 and removing the three grade limit on increases.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a
 2 new section, designated §29-6-29, to read as follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-29. Pay on promotion.

1 (a) Notwithstanding any provision of this code or rule, when an employee in the classified
 2 service is promoted, the employee's pay shall be adjusted in accordance with this section.

3 (b) An employee whose salary is at the minimum rate for the pay grade of the current class
 4 shall receive an increase to the minimum rate of the pay grade for the job class to which the
 5 employee is being promoted. An employee whose salary is within the range of the pay grade
 6 for the current class shall receive an increase of one pay increment, as established by the state
 7 Personnel Board, per pay grade or an increase to the minimum rate of the pay grade for the job
 8 class to which the employee is being promoted, whichever is greater. In no case may an employee
 9 receive an increase which causes the employee's pay to exceed the maximum for the pay grade
 10 to which he or she is being promoted.

11 (c) Notwithstanding subsection (b) of this section:

12 (1) If the salary of an employee being promoted is at or above the maximum rate of the
 13 pay grade to which the employee is being promoted, or, if his or her salary is within one pay
 14 increment, as established by the state Personnel Board, of the maximum rate of the pay grade to
 15 which he or she is being promoted, the employee shall receive an increase of one pay increment
 16 with the promotion.

17 (2) If an employee has been demoted or reallocated to a class at a lower pay grade and
18 is promoted or reallocated within the next twenty-four months within the same agency, the
19 promotional increase shall be calculated based on the pay grade of the employee's position prior
20 to the demotion, using the employee's current rate of pay plus any amount by which the
21 employee's pay was reduced at the time of the demotion. If, based on this procedure, no
22 promotional increase is due, the employee's pay shall be increased by the amount his or her pay
23 was reduced, if any, at the time of the demotion.

24 (d) The appointing authority may grant additional incremental increases, as established
25 by the state Personnel Board, to an employee being promoted if the employee has sufficient
26 qualifications in excess of the minimum required for the new class. The employee must possess
27 at least six months of pertinent experience or an equivalent amount of pertinent training for each
28 additional incremental increase granted. In no case may the additional incremental increase
29 cause the employee's pay to exceed the maximum for the pay grade to which he or she is being
30 promoted.

31 (e) For purposes of this section a promotion is a change in the status of an employee
32 from a position in one class to a vacant position in another class of higher rank as measured by
33 salary range and increased level of duties and/or responsibilities.

NOTE: The purpose of this bill is to codify the Division of Personnel's rule concerning pay on promotion of employees in the classified service and to remove the three grade limit on increases.

This section is new; therefore, it has been completely underscored.