

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2869**

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATES

HANSHAW AND AMBLER

[Introduced March 9, 2017; Referred  
to the Committee on the Judiciary]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §15-5-15b, relating to providing that certain state employees may be granted  
3 a leave of absence with pay while providing assistance as an essential member of an  
4 emergency aid provider during a declared state of emergency.

*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 new  
2 section, designated §15-5-15b, to read as follows:

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY  
MANAGEMENT.**

**§15-5-15b. Paid leave for certain state officers and employees during a declared state of  
emergency.**

1 (a) Any state employee who is designated an essential member of an emergency aid  
2 provider may be granted leave from his or her state employment with pay, for not more than fifteen  
3 work days in each year, to provide disaster relief or emergency services in areas of the state in  
4 which a state of emergency has been declared. Leave shall be granted under this section upon:  
5 (1) Designation of the employee as an essential member by the chief executive officer or other  
6 officer or agent of the emergency aid provider who has authority to act on its behalf; and (2)  
7 approval of that employee's immediate supervisor. Leave shall be granted without loss of pay,  
8 annual leave, sick leave, earned overtime compensation, seniority or compensatory time. The  
9 state shall compensate an employee granted leave under this section at the employee's regular  
10 rate of pay for those regular work hours during which the employee is absent from his or her state  
11 employment. Any supervisor granting leave to an employee for purposes of participating in  
12 disaster relief or emergency services pursuant to this section shall make a report to the Governor  
13 which includes the name of the employee and the total cost, if any, to the employing agency  
14 attributable to the temporary replacement of the employee granted leave in the circumstance

15 where replacement is necessary. The Governor shall keep a record of the total cost reported and  
16 in no event may the total cost for all state agencies exceed \$300,000: *Provided*, That upon  
17 approval of the Governor and repayment of the cost to the employing agency, from the Civil  
18 Contingent Fund, leave may be granted in an excess of a total cost of \$300,000.

19 (b) Notwithstanding the provisions of this section to the contrary, no person may be  
20 designated an essential member of an emergency aid provider for purposes of this section, if the  
21 person is employed by an emergency aid provider located in or that customarily serves an area  
22 included within the state of emergency.

23 (c) As used in this section:

24 (1) "Emergency aid provider" means a local organization for emergency services as  
25 defined by section two, article five, chapter fifteen of this code or a volunteer fire department that  
26 is providing emergency services during a state of emergency as a result of the circumstances that  
27 resulted in the declaration of the state of emergency;

28 (2) "Essential member" means a person designated by an emergency aid provider whose  
29 services are needed to provide emergency services due to the circumstances that resulted in the  
30 declaration of the state of emergency;

31 (3) "State of emergency" means the situation existing after the occurrence of a disaster or  
32 circumstance in which a state of emergency has been declared by the Governor or by the  
33 Legislature pursuant to the provisions of section six of this article or in which a major disaster  
34 declaration or emergency declaration has been issued by the President of the United States.

NOTE: The purpose of this bill is to provide that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency.

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