

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 4142

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

(BY REQUEST OF THE EXECUTIVE)

[Originating in the Committee on Finance;

February 5, 2018.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-5-4b, relating to providing certain employees of the Division of Corrections,
3 Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility
4 Authority increases in annual pay: providing legislative findings; providing funding
5 sources; providing that pay rates and employment requirements shall not be subject to
6 procedures for state employees' grievances; providing for primacy of section; limiting
7 private causes of action; and, providing that if employee will make more than the maximum
8 allowable by the Division of Personnel for the pay grade, this salary increase shall still take
9 effect, and that employee shall make more than the pay grade maximum.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

**§5-5-4b. Division of Corrections, Division of Juvenile Services, and Regional Jail Authority
pay equity salary adjustment.**

1 (a) The Legislature hereby finds that the Division of Corrections, Division of Juvenile
2 Services, and the West Virginia Regional Jail and Correctional Facility Authority have extreme
3 difficulty with recruiting and retaining employees of all types.

4 (b) The Legislature hereby directs that a pay equity salary adjustment and increase be
5 provided to employees of the Division of Corrections, Division of Juvenile Services, and the West
6 Virginia Regional Jail and Correctional Facility Authority that are employed as a correctional
7 officer, a correctional trainer, a parole officer, or at a correctional center or complex, a regional
8 jail, or a juvenile detention or corrections facility. This salary adjustment shall be for a total of
9 \$6,000 apportioned over a three-year period as follows:

10 (1) On July 1, 2018, applicable employees of the Division of Corrections, Division of
11 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
12 given an increase in annual pay of \$2,000;

13 (2) On July 1, 2019, applicable employees of the Division of Corrections, Division of
14 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
15 given an increase in annual pay of \$2,000; and

16 (3) On July 1, 2020, applicable employees of the Division of Corrections, Division of
17 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
18 given an increase in annual pay of \$2,000.

19 (c) Funding for the pay rates for employees of the Division of Corrections and Division of
20 Juvenile Services shall be provided from the general revenue appropriations to the Division of
21 Corrections and Division of Juvenile Services, respectively.

22 (d) The salary adjustment for employees of the West Virginia Regional Jail Authority shall
23 be funded from the special revenue fund established in §31-20-10 of this code, and shall not
24 require additional general revenue appropriations from the Legislature.

25 (e) In the event any provision of this section conflicts with any rule, policy, or provision of
26 this code, this section shall control. Due to the limits of funding, the implementation of the pay
27 rates and employment requirements shall not be subject to the provisions of §6C-2-1 et seq. of
28 this code. The provisions of this section are rehabilitative in nature and it is the specific intent of
29 the Legislature that no private cause of action, either express or implied, shall arise pursuant to
30 the provisions or implementation of this section.

31 (f) If, following this pay raise, the employee will make more than the maximum allowable
32 by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that
33 employee shall make more than the pay grade maximum.