

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4453**

BY DELEGATE LONGANACRE

[Introduced January 31, 2022; Referred  
to the Committee on Government Organization then  
Finance]

1 A BILL to amend and reenact §5-5-2 of the Code of West Virginia, 1931, as amended, relating to  
2 requiring that all percentage salary increases shall be based upon merit and performance  
3 and not in equal amounts to all employees; the bill is to be known as the “Fair  
4 Advancements for State Employees Act.”

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

## **ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.**

### **§5-5-2. Granting incremental salary increases based on years of service.**

1 (a) Every eligible employee with three or more years of service shall receive an annual  
2 salary increase equal to \$60 times the employee’s years of service. In each fiscal year and on or  
3 before July 31, each eligible employee shall receive an annual increment increase of \$60 for that  
4 fiscal year. Eligibility shall be determined by an appropriate merit evaluation system which shall  
5 be developed by the Division of Personnel.

6 (b) Every employee becoming newly eligible as a result of meeting the three years of  
7 service minimum requirement on July 1, in any fiscal year is entitled to the annual salary increase  
8 equal to \$60 times the employee’s years of service, where he or she has not in a previous fiscal  
9 year received the benefit of an increment computation. Thereafter, the employee shall receive a  
10 single annual increment increase of \$60 for each subsequent fiscal year.

11 (c) These incremental increases are in addition to any across-the-board, cost-of-living, or  
12 percentage salary increases which may be granted in any fiscal year by the Legislature.

13 (d) This section shall not be construed to prohibit other pay increases based on merit,  
14 seniority, promotion, or other reason, if funds are available for the other pay increases: *Provided,*  
15 That the executive head of each spending unit shall first grant the mandated increase in  
16 compensation in this section to all eligible employees prior to the consideration of any increases  
17 based on merit, seniority, promotion, or other reason.

18 (e) Notwithstanding the provisions of subsections (a) through (d) of this section, the  
19 Legislature finds that across-the-board one-time salary increases, or percentage salary increases

20 which may be granted in any fiscal year by the Legislature are patently unfair for certain  
21 employees to receive the same increase as employees who receive increases based upon merit  
22 and performance. Furthermore, percentage salary increases which may be granted in any fiscal  
23 year by the Legislature shall be based upon merit and performance and may not be granted in  
24 the same amount to all such employees.

25 (f) The amendment to this section shall be known as the "Fair Advancements for State  
26 Employees Act."

NOTE: The purpose of this bill is to require that all percentage salary increases shall be based upon merit and performance and not in equal amounts to all employees; the bill is to be known as the "Fair Advancements for State Employees Act." This bill would effectively ban across the board pay increases contingent upon merit.

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