

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3463

By Delegates Walker, Pushkin, Hansen, Griffith,
Hornbuckle, Rowe, Garcia, Williams, Skaff, Fluharty,
and Young

[Introduced February 14, 2023; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, all
2 relating to requiring the EEO coordinator to undertake a study of the ADA accessibility of
3 the Main Capitol Building.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-11. State of West Virginia Office of Equal Opportunity.

1 (a) There is created within the Department of Administration the State of West Virginia
2 Office of Equal Opportunity, to be directed by the State Equal Opportunity Coordinator, who shall
3 be appointed by the Secretary of the Department of Administration.

4 (b) The coordinator shall be a full-time employee and shall have an in-depth working
5 knowledge of the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964,
6 The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and
7 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the
8 Genetic Information Nondiscrimination Act of 2008. The coordinator shall also have an in-depth
9 working knowledge of the challenges facing West Virginian minorities and those living with
10 disabilities and shall continually seek to update his or her understanding of such challenges
11 through further education and information gathering.

12 (c) The coordinator shall:

13 (1) Advise the Director of Personnel in the development of comprehensive policies and
14 programs for the development, implementation, and monitoring of a statewide program to assure
15 compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act, Title VII of
16 the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment Act
17 of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the
18 Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008;

19 (2) Assist in the formulation of rules and standards relating to the review, investigation, and
20 resolution of complaints of discrimination in employment, education, housing, and public

21 accommodation;

22 (3) Consult and collaborate with state and federal agency officials to develop the statewide
23 compliance program;

24 (4) Consult and collaborate with state agencies on the federal Equal Employment
25 Opportunity Act and Americans with Disabilities Act and provide training for managers and
26 supervisors on regulations and related issues;

27 (5) Represent the state on local, state, and national committees and panels related to the
28 Americans with Disabilities Act and the Equal Employment Opportunity Act;

29 (6) Advise the Governor and agency heads on federal Americans with Disabilities Act and
30 Equal Employment Opportunity Act issues;

31 (7) Consult with state equal employment opportunity officers on the hiring of persons with
32 disabilities;

33 (8) Be available to inspect and advise the leasing section of the Division of Purchasing on
34 all physical properties owned or leased by the State of West Virginia for compliance with 42 U.S.C.
35 §12101, *et seq.*, the federal Americans with Disabilities Act; and

36 (9) Report annually on the Office of Equal Opportunity to the Governor, President of the
37 Senate, and Speaker of the House of Delegates.

38 (d) The coordinator shall undertake a comprehensive study and review of the main Capitol
39 building for accessibility and compliance with the Americans with Disabilities Act. The study shall
40 include an examination of various types of accessibility, including visual, motor/mobility, auditory,
41 seizures, and learning/cognitive, and any recommendations to address the lack of accessibility in
42 the building. The report shall be completed by October 1, 2023, and shall be provided to the
43 Governor, the Speaker of the House, and the President of the Senate.

NOTE: The purpose of this bill is to require the EEO coordinator to undertake a study of the
ADA accessibility of the Main Capitol Building.

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