

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 590

BY SENATOR SWOPE

[Originating in the Committee on the Judiciary;

reported February 7, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §1-8-1, §1-8-2, §1-8-3, and §1-8-4, all relating to prohibiting political
3 subdivisions from requiring private employers to pay employees a wage higher than that
4 set by applicable state or federal law, establishing a locally based wage or employee
5 benefit rate, or establishing work hours or scheduling requirements; defining terms;
6 creating exceptions; voiding any prior actions of political subdivisions enacted prior to the
7 effective date of this article; clarifying that the provisions of the article are inapplicable to
8 the employees of a political subdivision; clarifying that nothing in the article prohibits
9 political subdivisions from enforcing agreements voluntarily entered into by the parties
10 prior to the effective date of this article; and clarifying that provisions of the article do not
11 limit the ability of the political subdivisions to comply with statutes and policies related to
12 drug and alcohol testing.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. LIMITATIONS ON LABOR REGULATIONS BY POLITICAL SUBDIVISIONS.

§1-8-1. Short title.

1 This article may be known and cited as the Political Subdivision Labor Regulatory
2 Limitation Act.

§1-8-2. Definitions.

1 For purposes of this article:

2 "Political subdivision" means any county commission, municipality, and county board of
3 education; any separate corporation or instrumentality established by one or more counties or
4 municipalities, as permitted by law; any instrumentality supported in most part by municipalities;
5 any public body charged by law with the performance of a government function and whose
6 jurisdiction is coextensive with one or more counties, cities, or towns; a combined city-county
7 health department created pursuant to §16-2-1 et seq. of this code; public service districts; and
8 other instrumentalities including, but not limited to, volunteer fire departments and emergency

9 services organizations as recognized by an appropriate public body and authorized by law to
10 perform a government function: *Provided*, That hospitals of a political subdivision and their
11 employees are excluded from the provisions of this article.

§1-8-3. Prohibited areas of regulation.

1 A political subdivision may not adopt, enforce, or administer any ordinance, regulation,
2 local policy, local resolution, or other legal requirement regarding any of the following specific
3 areas:

4 (1) Requiring a private employer to pay to an employee a wage higher than any applicable
5 state or federal law;

6 (2) Requiring a private employer to pay to an employee a wage or fringe benefit based on
7 wage and fringe benefit rates prevailing in the locality;

8 (3) Requiring a private employer to provide to a private employee paid or unpaid leave
9 time; or

10 (4) Regulating hours and scheduling that an employer is required to provide to employees.

§1-8-4. Exceptions; applicability.

1 (a)The provisions of this article do not prohibit a political subdivision from enforcing a
2 written agreement voluntarily entered into and in effect prior to the effective date of this article.

3 (b) Any ordinance, regulation, local policy, or other legal requirement enacted or adopted
4 prior to the effective date of this article, including those enacted or adopted pursuant to §8-1-5a
5 of this code, that would be prohibited under §1-8-3 of this code is void upon the effective date of
6 this article.

7 (c) The provisions of §1-8-3 of this code do not apply to the employees of a political
8 subdivision.

9 (d) This article does not prohibit or limit a political subdivision from complying with the
10 West Virginia Alcohol and Drug-Free Workplace Act, set forth in §21-1D-1 *et seq.* of this code, or
11 otherwise require similar drug and alcohol policies and testing of a political subdivision's vendors.