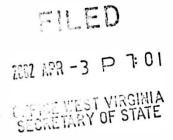
WEST VIRGINIA LEGISLATURE REGULAR SESSION, 2002

ENROLLED

SENATE BILL NO. <u>639</u>
(By Senator
•
PASSED Mane 4 8,
In Effect From Passage



ENROLLED

Senate Bill No. 639

(By Senators Unger, Fanning, Redd, Kessler, Caldwell, Helmick, Anderson, McCabe, Snyder, Ross, Love, Hunter, Rowe, Burnette, Facemyer, Boley, Minear, Sprouse, Mitchell, Edgell, Prezioso, Plymale, Minard, Oliverio and Sharpe)

[Passed March 8, 2002; in effect from passage.]

AN ACT to amend article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five; and to amend and reenact section six, article five-e, chapter twenty-one of said code, all relating to the expenditure of public funds to provide gender-based pay equity generally; providing for a limited gender-based pay equity salary adjustment for state employees; delaying implementation of statutory provisions prohibiting certain gender-based pay discrimination and discrepancies; and requiring equal pay commission and others to assess budgetary or other financial impact on the state if the statutory provisions are implemented and report findings and recommendations to the joint committee on government and finance.

Be it enacted by the Legislature of West Virginia:

That article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five; and that section six, article five-e, chapter twenty-one of said code be amended and reenacted, all to read as follows:

CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE
AND ATTORNEY GENERAL; BOARD OF PUBLIC
WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-5. Pay equity adjustment.

- 1 The Legislature hereby directs that a gender-based pay
- 2 equity salary adjustment be provided to public employees
- 3 as determined by the secretary of the department of
- 4 administration, based on recommendations of the equal
- 5 pay commission, within the limitations provided by this
- 6 section. This salary adjustment shall be provided from the
- 7 funding appropriated to the department of administration,
- 8 office of the secretary, for purposes of a "pay equity
- 9 reserve" in the fiscal year two thousand two and may not
- Teserve in the fiscar year two thousand two and may not
- $10 \quad be \, construed \, to \, require \, additional \, appropriations \, from \, the \,$
- 11 Legislature. If any provision of this section conflicts with
- 12 any rule, policy or provision of this code, the provisions of
- 13 this section shall control. Because the provisions of this
- 14 section are rehabilitative in nature, the results of the pay
- 15 equity salary adjustments are not subject to the provisions
- 16 of article six-a, chapter twenty-nine of this code. Further,
- 17 it is the specific intent of the Legislature that no private
- 18 cause of action, either express or implied, is created by or
- 19 otherwise arises from the enactment, provisions or imple-
- 20 mentation of this section.

CHAPTER 21. LABOR.

ARTICLE 5E. EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES. §21-5E-6. Commission's duties; promulgation of rules.

- 1 (a) The equal pay commission shall study both the 2 methodology and funding for the implementation of a 3 gender discrimination prohibition and shall prepare 4 reports for submission to the Legislature which include:
- 5 (1) An analysis of state job descriptions which measures 6 the inherent skill, effort, responsibility and working 7 conditions of various jobs and classifications; and
- 8 (2) A review of similar efforts to eliminate gender-based 9 wage differentials implemented by other governmental 10 entities in this and other states.
- 11 (b) The commission shall submit an initial report with 12 recommendations for implementation of a gender discrim-13 ination prohibition to the joint committee on government 14 and finance not later than the first day of July, two 15 thousand, and shall submit status reports annually there-16 after.
- 17 (c) Based upon the findings and recommendations in its 18 report, the commission may propose legislative rules for 19 promulgation in accordance with article three, chapter 20 twenty-nine-a of this code to implement the provisions of 21 this article.
- (d) The Legislature finds that it has not fully assessed the 22 $potential\,cost\,to\,the\,state\,if\,the\,provisions\,of\,sections\,three$ 23 and four of this article are implemented and that those 24 provisions should not be implemented until a reasonable 25 estimate of the amount of public funds that may be 26 required for appropriation and expenditure as a result of 27 the implementation can be calculated. Accordingly, 28 notwithstanding any other provisions of this article to the 29 contrary, the provisions of sections three and four of this 30 article shall not become effective until enactment of 31 general law specifically providing an effective date of 32

implementation of those sections. During the interim period between the two thousand two regular session of 34 the Legislature and the two thousand three regular session 35 36 of the Legislature, the equal pay commission shall, in the manner prescribed by the joint committee on government 37 and finance, meet and consult with the joint standing 38 committee on the judiciary, the joint committee on finance 39 40 and others as may be prescribed for the purposes of conducting a joint assessment of budgetary or other 41 financial impact on the state if the provisions of sections 42 43 three and four of this article are implemented. Prior to the 44 two thousand three regular session of the Legislature, those directed to conduct the joint assessment shall report 45 their findings to the joint committee on government and 46 47 finance and, if warranted, report any recommendations for 48 the passage of legislation that would effectively lessen or eliminate the cost of implementation of sections three and 49 four of this article in a manner that is consistent with achieving the purposes for which this article was initially 51 enacted. 52

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Chairman Senate Committee
Chairman behave committee
Chairman House Committee
Originated in the Senate.
In effect from passage.
Clerk of the Senate
Clerk of the House of Delegates
Earl Ray Somehlin
President of the Senate
Speaker House of Delegates
The within so Copproved this the 3rd
Day of
Governor



PRESENTED TO THE

GOVERSOR Deta 3/19/62 Time 9:05 A