

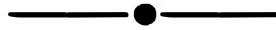
HB 4094

FILED

2008 APR -1 AM 11: 08

CELESTINE J. PAX
SECRETARY OF STATE

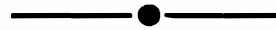
WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4094**

(By Delegate Thompson (Mr. Speaker) and Armstead
(By Request of the Executive))



Passed March 8, 2008

In Effect Ninety Days from Passage

FILED
ENROLLED
2008 APR -1 AM 11:08

COMMITTEE SUBSTITUTE

FOR

H. B. 4094

(BY DELEGATES THOMPSON (MR. SPEAKER) AND ARMSTEAD
(BY REQUEST OF THE EXECUTIVE))

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6C-4-1, §6C-4-2 and §6C-4-3, all relating to reimbursement of compensation paid to certain state employees for training, education and professional development; defining terms; requiring division of personnel propose rules for legislative approval; and setting forth exemptions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §6C-4-1, §6C-4-2 and §6C-4-3, all to read as follows:

**ARTICLE 4. COMPENSATION TO STATE EMPLOYEES
FOR TRAINING, EDUCATION AND
PROFESSIONAL DEVELOPMENT.**

§6C-4-1. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings, unless the context clearly
3 indicates otherwise:

4 (a) “Advanced professional development training” means
5 any academy, class, conference, course, program, seminar or
6 training attended by an employee that:

7 (1) Is not required by his or her current position;

8 (2) Is not required for the performance of his or her
9 current job responsibilities; and

10 (3) Is intended to develop a higher level of skill, to
11 develop an increase in professional or technical knowledge,
12 or to obtain an advanced level of professional accreditation.

13 “Advanced professional development training” does not
14 include routine job training, training required for the
15 employee’s performance of his or her current job
16 responsibilities, attendance at professional conventions,
17 seminars, continuing professional education or any form of
18 training required to renew an employee’s professional
19 accreditation or any training costing less than one thousand
20 dollars.

21 (b) “Agency” means an administrative unit of state
22 government, including, without limitation, any authority,
23 board, bureau, commission, committee, council, division,
24 section, or office within the executive branch of state
25 government.

26 (c) “Continuing professional education” means
27 educational courses, seminars, lectures or programs necessary

28 to maintain or renew an employee's professional
29 accreditation.

30 (d) "Employee" means any person who performs a full or
31 part-time service for wages, salary, or other remuneration
32 under a contract for hire, written or oral, express or implied,
33 for an agency and receives advanced professional
34 development training after the effective date of this article.

35 (c) "Professional accreditation" means any certification,
36 degree, advanced degree, endorsement or occupational
37 license.

38 (f) "Training compensation" means tuition and expenses,
39 paid to an or on the behalf of an employee for advanced
40 professional development training.

**§6C-4-2. Agreements to reimburse state agencies for training
compensation paid to employees; rule-authority.**

1 (a) Notwithstanding any other provision of this code to
2 the contrary, an agency may require an employee to enter
3 into a written reimbursement agreement to repay training
4 compensation.

5 (b) If an employee voluntarily leaves employment with
6 the agency within one year after receiving advanced
7 professional development training and becomes employed
8 within one year with an entity other than the State of West
9 Virginia, in a capacity which utilizes the advanced
10 professional development training, the employee shall repay
11 a pro rata portion of the training compensation as provided in
12 the reimbursement agreement.

13 (c) The Division of Personnel shall propose rules for
14 legislative approval, in accordance with the provisions of

15 article three, chapter twenty-nine-a of this code, to set forth
16 a standard reimbursement agreement form which provides
17 the following minimum requirements:

18 (1) Providing general contract language including terms
19 and conditions of repayment;

20 (2) Specifying types of advanced professional
21 development training;

22 (3) Requiring service no longer than one year;

23 (4) Permitting and describing the circumstances when an
24 agency may withhold prorated amounts from any final
25 payments due and owing to the employee; and

26 (5) Providing exceptions for an employee who becomes
27 injured or ill and can no longer perform his or her assigned
28 job functions.

§6C-4-3. Exemptions.

1 (a) The provisions of this article do not apply to:

2 (1) Training offered to a member of the West Virginia
3 State Police during his or her participation in the West
4 Virginia State Police Cadet Training Program in accordance
5 with the provisions of subsection (i), section five, article two,
6 chapter fifteen of this code;

7 (2) A member of the West Virginia National Guard; and

8 (3) Employees of the Legislature, the Supreme Court of
9 Appeals, the Attorney General, the Secretary of State, the
10 Auditor, the Treasurer and the Commissioner of Agriculture.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House

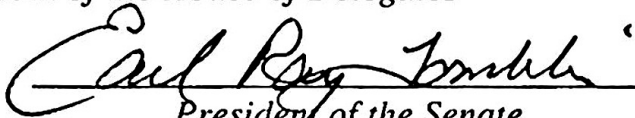
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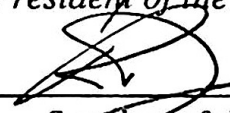
Clerk of the Senate



Clerk of the House of Delegates

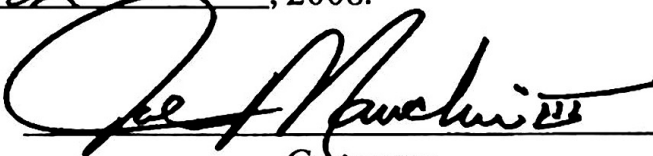


President of the Senate



Speaker of the House of Delegates

The within is approved this the 31st
day of March, 2008.



Governor

PRESENTED TO THE GOVERNOR

MAR 25 2008

Time 10:35 AM