

SB 1002

FILED

2009 JUN 17 PM 4:32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

FIRST EXTRAORDINARY SESSION, 2009

ENROLLED

Senate Bill No. 1002

(BY SENATORS TOMBLIN (MR. PRESIDENT)
AND CARUTH, BY REQUEST OF THE EXECUTIVE)

[Passed June 2, 2009; in effect ninety days from passage.]

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(BY SENATORS TOMBLIN (MR. PRESIDENT) AND CARUTH,
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[Passed June 2, 2009; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-4a, all relating to salary enhancements for health care personnel at certain hospitals; establishing legislative findings; requiring the Division of Personnel and the Department of Health and Human Resources to develop pay rates and requirements for certain classified service positions at Mildred Mitchell-Bateman Hospital and William R. Sharpe, Jr. Hospital; authorizing the Department of Health and Human Resources to provide funding from legislative appropriations; exempting pay rates and employment requirements from grievance procedures; and declaring that the provisions do not give rise to any private cause of action.

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 section, designated §5-5-4a, to read as follows:

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

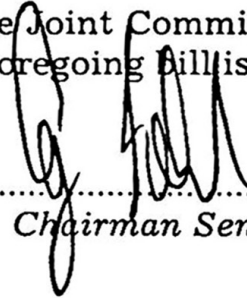
§5-5-4a. Psychiatrists, nurses and aides classifications.

1 (a) The Legislature finds that Mildred Mitchell-Bateman
2 Hospital and William R. Sharpe, Jr. Hospital have extreme
3 difficulty in recruiting and retaining physicians, physician
4 specialists, nurses, nursing directors, health service
5 workers, health service assistants, health service associates
6 and other employees who assist in the direct provision of
7 medical care to patients in those facilities.

8 (b) The West Virginia Division of Personnel and the
9 Department of Health and Human Resources jointly shall
10 develop pay rates and employment requirements to
11 support the recruitment and retention of physicians,
12 physician specialists, nurses, nursing directors, health
13 service workers, health service assistants, health service
14 associates or other positions at Mildred Mitchell-Bateman
15 Hospital and William R. Sharpe, Jr. Hospital. Pay rates
16 shall reflect the regional market rates for relevant posi-
17 tions. The pay rates and employment requirements shall
18 be put into effect by July 1, 2009.

19 (c) Funding for the pay rates and employment require-
20 ments shall be provided from the appropriation to the
21 Department of Health and Human Resources. Due to the
22 limits of funding, the implementation of the pay rates and
23 employment requirements shall not be subject to the
24 provisions of article two, chapter six-c of this code. The
25 provisions of this section are rehabilitative in nature and
26 it is the specific intent of the Legislature that no private
27 cause of action, either express or implied, shall arise
28 pursuant to the provisions or implementation of this
29 section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing Bill is correctly enrolled.



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Chairman Senate Committee

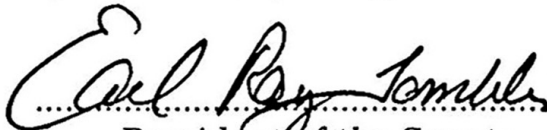

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within..... is approved..... this the 17th
Day of..... June....., 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

JUN 16 2009

Time 9:00 am