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**Senate Bill No. 101**

(By Senators Palumbo, Foster, Jenkins, Wells, Laird, Klempa, Yost  
and D. Facemire)

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[Introduced January 17, 2011; referred to the Committee on  
Government Organization; and then to the Committee on Finance.]

**Interim  
Bill**

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A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new article, designated §5-30-1, §5-30-2, §5-  
30-3, §5-30-4, §5-30-5 and §5-30-6, all relating to the  
creation of an equal pay coordinator within the Governor's  
office to ensure pay equity among state employees; making  
legislative findings; providing qualifications for the  
position; providing powers and duties of coordinator;  
providing for the development of a strategic plan to ensure  
pay equity in state government; authorizing other agencies to  
share necessary information with the coordinator; and  
providing rule-making authority.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new article, designated §5-30-1, §5-30-2, §5-  
2 30-3, §5-30-4, §5-30-5 and §5-30-6, all to read as follows:

3 **ARTICLE 30. WEST VIRGINIA EQUAL PAY COORDINATOR.**

4 **§5-30-1. Legislative findings and purpose.**

5       The Legislature finds that despite efforts to alleviate the  
6 equal pay disparities of state workers through annual adjustments  
7 in compensation to positions reported by the West Virginia Division  
8 of Personnel, there is a further need for an Equal Pay Coordinator  
9 within the Office of the Governor to precisely evaluate, research,  
10 monitor and report on this issue and facilitate an effective and  
11 efficient strategic plan in resolving pay inequity among state  
12 employees.

13 **§5-30-2. Equal Pay Coordinator established.**

14       There is hereby established an Equal Pay Coordinator  
15 (hereinafter the "coordinator") within the Office of the Governor.

16 **§5-30-3. Appointment; qualifications of coordinator.**

17       (a) The coordinator is under the supervision of the Governor's  
18 Office, and shall be appointed by the Governor with the advice and  
19 consent of the Senate. The coordinator shall be qualified by  
20 training and experience to carry out the duties provided in this  
21 article.

22       (b) The coordinator:

23       (1) Shall serve on a full-time basis;

1           (2) May not hold political office in the government of the  
2 state either by election or appointment while serving as  
3 Coordinator;

4           (3) Shall be a citizen of the United States and become a  
5 resident of the state within ninety days of appointment;

6           (4) Is entitled to receive an annual salary, as provided by  
7 the Governor; and

8           (5) Is exempt from coverage under classified service as  
9 provided in section four, article six, chapter twenty-nine of this  
10 code.

11 **§5-30-4. Powers and duties.**

12           The coordinator is charged with:

13           (a) Evaluating the current status of pay inequity of state  
14 employees, including collaborating with any existing agencies or  
15 entities undertaking similar studies which will address pay  
16 inequity factors among state employees;

17           (b) Researching different models designed to achieve pay  
18 equity for public employees, including initiatives and programs  
19 undertaken by other states or public entities;

20           (c) Monitoring all litigation or legal actions resulting from  
21 pay inequity of state employees before state courts or  
22 administrative tribunals;

23           (d) Reporting to the Joint Committee on Government and Finance

1 annually by December 31<sup>st</sup> of each calendar year, concerning the  
2 status of pay inequity among state employees and any initiatives to  
3 resolve such inequity undertaken by executive agencies, and to  
4 provide such other information as the committee may request;

5 (e) Developing a strategic plan to address pay inequity among  
6 current state employees, as well as future employees. The plan  
7 shall include:

8 (1) The current status of pay inequity among state employees;

9 (2) Recommendations of any necessary legislation or policies  
10 to be adopted to achieve pay equity; and

11 (3) An ongoing monitoring schedule to ensure policies adopted  
12 by either the agencies affected or the Legislature are sustained;  
13 and

14 (f) Making any recommendations to the Governor for legislative  
15 or administrative changes necessary to achieve pay equity among  
16 existing or for future state employees.

17 **§5-30-5. Access to information; communication with other agencies.**

18 The coordinator shall have access to such other information,  
19 statistics, reports or other data, of a nonconfidential nature,  
20 compiled or maintained by other agencies regarding salaries,  
21 classifications, qualifications, skills, military service or other  
22 factors affecting employment of state employees.

23 The coordinator shall make available to other agencies,

1 including the Equal Pay Commission, any statistics, reports, data  
2 or other information of a nonconfidential nature, regarding pay  
3 inequity of state employees, upon request, which such availability  
4 would foster or improve pay inequity among state employees.

5 **§5-30-6. Rule-making Authority.**

6 To implement any section of this article, the coordinator  
7 shall propose rules for legislative approval in accordance with  
8 article three, chapter twenty-nine-a of this code. This authority  
9 shall include emergency rule-making authority pursuant to the  
10 provisions of section fifteen, article three, chapter twenty-nine-a  
11 of this code.

NOTE: The purpose of this bill is to create an Equal Pay  
Coordinator within the Office of the Governor to coordinate and  
monitor efforts to achieve pay equity among state employees.

This article is new; therefore, strike-throughs and  
underscoring have been omitted.

This bill was recommended for introduction and passage during  
the 2011 Regular Session of the Legislature by the Equal Pay  
Commission.