1 **H. B. 4254**

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3   (By Delegates Armstead, Mr. Speaker (Mr. Miley),
4   Ashley, Cadle, Westfall, McCuskey,
5   Butler, Manchin, Walters, Boggs and E. Nelson)

6   [Introduced January 22, 2014; referred to the

7   Committee on Finance.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by

11   adding thereto a new section, designated §15-5-15b, relating

12   to providing that certain state employees may be granted a

13   leave of absence with pay while providing assistance as an

14   essential member of an emergency aid provider during a

15   declared state of emergency.

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

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

18 by adding thereto a new section, designated §15-5-15b, to read as

19 follows:

20 **ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.**

21 **§15-5-15b. Paid leave for certain state officers and employees**

22   **during a declared state of emergency.**

23   (a) Any state employee who is designated an essential member

24 of an emergency aid provider may be granted leave from his or her

1 state employment with pay, for not more than fifteen work days in

2 each year, to provide disaster relief or emergency services in

3 areas of the state in which a state of emergency has been declared.

4 Leave shall be granted under this section upon: (1) Designation of

5 the employee as an essential member by the chief executive officer

6 or other officer or agent of the emergency aid provider who has

7 authority to act on its behalf; and (2) approval of that employee's

8 immediate supervisor. Leave shall be granted without loss of pay,

9 annual leave, sick leave, earned overtime compensation, seniority

10 or compensatory time. The state shall compensate an employee

11 granted leave under this section at the employee's regular rate of

12 pay for those regular work hours during which the employee is

13 absent from his or her state employment. Any supervisor granting

14 leave to an employee for purposes of participating in disaster

15 relief or emergency services pursuant to this section shall make a

16 report to the Governor which includes the name of the employee and

17 the cost of salary and benefits of that employee during the period

18 of the leave. The Governor shall keep a record of the total cost

19 of the salary and benefits of employees who have been granted leave

20 and in no event may the total cost for all state agencies exceed

21 $300,000: *Provided,* That upon approval of the Governor and

22 repayment of the cost to the employing agency, from the Civil

23 Contingent Fund, leave may be granted in an excess of a total cost

24 of $300,000.

1   (b) As used in this section:

2   (1) "Emergency aid provider" means a local emergency service

3 organization or a volunteer fire department that is providing

4 emergency services during a state of emergency as a result of the

5 circumstances that resulted in the declaration of the state of

6 emergency;

7   (2) "Essential member" means a person designated by an

8 emergency aid provider whose services are needed to provide

9 emergency services due to the circumstances that resulted in the

10 declaration of the state of emergency;

11   (3) "State of emergency" means the situation existing after

12 the occurrence of a disaster or circumstance in which a state of

13 emergency has been declared by the Governor or by the Legislature

14 pursuant to the provisions of section six of this article or in

15 which a major disaster declaration or emergency declaration has

16 been issued by the President of the United States.

17   (c) The provisions of this section enacted during 2014 regular

18 session of the Legislature shall be in effect retroactive to

19 January 1, 2014.

    NOTE: The purpose of this bill is to provide that certain
state employees may be granted a leave of absence with pay while
providing assistance as an essential member of an emergency aid
provider during a declared state of emergency.

    This section is new; therefore, it has been entirely
underscored.