

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4142

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

(BY REQUEST OF THE EXECUTIVE)

[Passed March 6, 2018; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-5-4b, relating to providing certain employees of the Division of Corrections,
3 Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility
4 Authority increases in annual pay: providing legislative findings; providing funding
5 sources; providing that pay rates and employment requirements shall not be subject to
6 procedures for state employees' grievances; providing for primacy of section; limiting
7 private causes of action; and, providing that if employee will make more than the maximum
8 allowable by the Division of Personnel for the pay grade, this salary increase shall still take
9 effect, and that employee shall make more than the pay grade maximum.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

**§5-5-4b. Division of Corrections, Division of Juvenile Services, and Regional Jail Authority
pay equity salary adjustment.**

1 (a) The Legislature hereby finds that the Division of Corrections, Division of Juvenile
2 Services and the West Virginia Regional Jail and Correctional Facility Authority have extreme
3 difficulty with recruiting and retaining employees of all types.

4 (b) The Legislature hereby directs that a pay equity salary adjustment and increase be
5 provided to all employees of the Division of Corrections, Division of Juvenile Services, and the
6 West Virginia Regional Jail and Correctional Facility Authority, regardless of where the employee
7 reports to work. This salary adjustment shall be for a total of \$6,000 apportioned over a three-
8 year period as follows:

9 (1) On July 1, 2018, applicable employees of the Division of Corrections, Division of
10 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
11 given an increase in annual pay of \$2,000;

12 (2) On July 1, 2019, applicable employees of the Division of Corrections, Division of
13 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
14 given an increase in annual pay of \$2,000; and

15 (3) On July 1, 2020, applicable employees of the Division of Corrections, Division of
16 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be
17 given an increase in annual pay of \$2,000.

18 (c) Funding for the pay rates for employees of the Division of Corrections and Division of
19 Juvenile Services shall be provided from the general revenue appropriations to the Division of
20 Corrections and Division of Juvenile Services, respectively.

21 (d) The salary adjustment for employees of the West Virginia Regional Jail Authority shall
22 be funded from the special revenue fund established in §31-20-10 of this code, and shall not
23 require additional general revenue appropriations from the Legislature.

24 (e) In the event any provision of this section conflicts with any rule, policy, or provision of
25 this code, this section shall control. Due to the limits of funding, the implementation of the pay
26 rates and employment requirements shall not be subject to the provisions of §6C-2-1 *et seq.* of
27 this code. The provisions of this section are rehabilitative in nature and it is the specific intent of
28 the Legislature that no private cause of action, either express or implied, shall arise pursuant to
29 the provisions or implementation of this section.

30 (f) If, following this pay raise, the employee will make more than the maximum allowable
31 by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that
32 employee shall make more than the pay grade maximum.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2018.

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Governor