

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2491

FISCAL
NOTE

BY DELEGATE FLEISCHAUER, PYLES, WALKER, HANSEN,

PETHTEL, WILLIAMS, CAPUTO, SYPOLT, JENNINGS,

ANGELUCCI AND MILEY

[Introduced January 17, 2019; Referred
to the Committee on Finance.]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-4c. Division of Highways regional field employee pay equity salary adjustment.

1 (a) The Legislature hereby finds that the Division of Highways has extreme difficulty with
2 recruiting and retaining regional field employees.

3 (b) The Legislature hereby directs that a pay equity salary adjustment and increase be
4 provided to all regional field employees of the Division of Highways. This salary adjustment shall
5 be for a total of three percent of the employee's annual salary in effect on July 1, 2019,
6 apportioned over a three-year period as follows:

7 (1) On July 1, 2019, applicable employees of the Division of Highways shall be given an
8 increase in annual pay of one percent of the employee's annual salary in effect on July 1, 2019;

9 (2) On July 1, 2020, applicable employees of the Division of Highways shall be given an
10 increase in annual pay of one percent of the employee's annual salary in effect on July 1, 2019;
11 and

12 (3) On July 1, 2021, applicable employees of the Division of Highways shall be given an
13 increase in annual pay of one percent of the employee's annual salary in effect on July 1, 2019.

14 (c) Funding for the pay rates for employees of the Division of Highways shall be provided
15 from the general revenue appropriations to the Division of Highways.

16 (d) In the event any provision of this section conflicts with any rule, policy, or provision of
17 this code, this section shall control. Due to the limits of funding, the implementation of the pay
18 rates and employment requirements are not subject to the provisions of §6C-2-1 et seq. of this
19 code. The provisions of this section are rehabilitative in nature and it is the specific intent of the
20 Legislature that no private cause of action, either express or implied, arises pursuant to the
21 provisions or implementation of this section.

22 (e) If, following this pay raise, the employee makes more than the maximum allowable by
23 the Division of Personnel for the pay grade, this salary increase still takes effect, and that
24 employee shall make more than the pay grade maximum.

NOTE: The purpose of this bill is to provide regional field employees of the Division of Highways increases in annual pay.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.