WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2821

By Delegate Graves

[Introduced March 02, 2021; Referred to the Committee on Government Organization]

A BILL to amend and reenact §6C-4-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §6C-4-4, all relating to providing adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations; and requiring Division of Personnel to conduct rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COMPENSATION TO STATE EMPLOYEES FOR TRAINING, EDUCATION AND PROFESSIONAL DEVELOPMENT.

§6C-4-3. Exemptions.

~~(a)~~ Except as provided in §6C-4-4 of this code, the provisions of this article do not apply to:

(1) Training offered to a member of the West Virginia State Police during his or her participation in the West Virginia State Police Cadet Training Program in accordance with the provisions of §15-2-5(i) of this code;

(2) A member of the West Virginia National Guard; and

(3) Employees of the Legislature, the Supreme Court of Appeals, the Attorney General, the Secretary of State, the Auditor, the Treasurer, and the Commissioner of Agriculture.

§6C-4-4. Continuing education credits for state employees with professional licenses or registrations; rulemaking.

(a) The Legislature finds:

(1) That programs for the training and education of state employees materially aid effective state administration, and public money spent on those programs serves an important public purpose; and

(2) It is beneficial to promote from within and so the state should encourage employees to maintain existing credentials and acquire new abilities.

(b) In accordance with rules promulgated under this section, a state agency shall provide opportunities for training and education for its employees. The training or education shall be related to the duties of the employee.

(c)(1) The Division of Personnel shall propose rules for legislative approval in accordance with the provisions of §29-3-1 *et seq.* of this code, for state agencies to use in providing adequate opportunities for its employees to obtain continuing education credits at the expense of the agency when the agency employs an individual who:

(A) Is required:

(i) As a part of his or her employment to maintain a professional license or registration; and

(ii) As a condition of holding the license or registration, to meet periodic continuing education requirements; or

(B)(i) Was hired with a specific credential;

(ii) Continuing professional education is required to maintain the credential; and

(iii) The credential is related to the employment even if not directly required for the position.

(2) The rules shall:

(A) Allow attendance at approved seminars or other training providing the education, without the use of annual leave;

(B) Contain provisions to ensure that preference is given to online and in-state training;

(C) Contain standards for considering relevancy of the training to the individual’s employment;

(D) Recognize that broadening the scope of the employee’s areas of expertise is beneficial to the state;

(E) Contain standards for considering timeliness of the training with regard to deadlines established by the entity requiring the continuing education; and

(F) Contain a requirement for repayment by the employee of the cost of the training or education if the employee does not stay in the employ of the agency for at least 12 months after the date of the last nonrequired training or educational opportunity provided by the employing agency.

(d) The Attorney General, the Secretary of State, the Auditor, the Treasurer, and the Commissioner of Agriculture are not exempt from this section or the rules promulgated under this section.

NOTE: The purpose of this bill is to require state agencies to provide adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations. The bill requires the Division of Personnel to conduct rulemaking.

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