

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4500

FISCAL
NOTE

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

[BY REQUEST OF THE EXECUTIVE]

[Introduced February 02, 2022; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating
 2 to combining the offices of the West Virginia State Americans with Disabilities Act Office
 3 and the West Virginia Equal Employment Opportunity Office within the Department of
 4 Administration; creating a position titled State Equal Opportunity Coordinator; establishing
 5 qualifications for the position; setting forth how the State Equal Opportunity Coordinator is
 6 selected; outlining scope of responsibilities; authorizing access to personnel records to
 7 monitor compliance and advise state agencies; renaming the fund titled “Americans with
 8 Disabilities Coordinator Fund”; and making other technical changes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

**§5A-1-11. ~~State Americans with disabilities coordinator~~ State of West Virginia Office of
Equal Opportunity.**

1 (a) There is ~~continued~~ created within the Department of Administration the ~~position of the~~
 2 ~~State Americans with Disabilities Coordinator~~ State of West Virginia Office of Equal Opportunity,
 3 to be directed by the State Equal Opportunity Coordinator, who shall be appointed by the
 4 Secretary of the Department of Administration with input from the chairperson from each of the
 5 following: ~~four councils~~

- 6 (1) The West Virginia Human Rights Commission;
- 7 (2) The Herbert Henderson Office of Minority Affairs;
- 8 ~~(4)~~ (3) The Developmental Disabilities Council;
- 9 ~~(2)~~ (4) The Statewide Independent Living Council;
- 10 ~~(3)~~ (5) The Mental Health Planning Council; and
- 11 ~~(4)~~ (6) The State Rehabilitation Council.

12 (b) The coordinator shall be a full-time employee and shall have an in-depth working
 13 knowledge the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The
 14 Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103

15 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the
16 Genetic Information Nondiscrimination Act of 2008. The coordinator shall also have an in-depth
17 working knowledge of the challenges faced by persons facing West Virginia minorities and those
18 living with disabilities, and shall continually seek to update his or her understanding of such
19 challenges through further education and information gathering. The coordinator may be a current
20 employee of the Department of Administration or other state agency employee.

21 (c) The coordinator shall:

22 (1) Advise the Director of Personnel in the development of comprehensive policies and
23 programs for the development, implementation and monitoring of a statewide program to assure
24 compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act, Title VII
25 of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment
26 Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the
27 Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008;

28 (2) Assist in the formulation of rules and standards relating to the review, investigation and
29 resolution of complaints of discrimination in employment, education, housing and public
30 accommodation;

31 (3) Consult and collaborate with state and federal agency officials in the state plan
32 development;

33 (4) Consult and collaborate with ~~agency Americans with disabilities officers~~ state agencies
34 and the employees who handle matters that implicate the federal Equal Employment Opportunity
35 Act and Americans with Disabilities Act on the appropriate training for managers and supervisors
36 on regulations and issues;

37 (5) Represent the state on local, state, and national committees and panels related to
38 Americans with ~~disabilities~~ Disabilities Act and the Equal Employment Opportunity Act;

39 (6) Advise the Governor and agency heads on federal Americans with ~~disabilities issues~~
40 Disabilities Act and Equal Employment Opportunity Act issues;

41 (7) ~~Consult with state equal employment opportunity officers on the hiring of persons with~~
42 ~~disabilities~~ The State Equal Opportunity Officer shall have access to and monitor records of
43 personnel actions such as applicant flow, referrals, hiring rate, placements, transfers, promotions,
44 terminations and other pertinent statistical data to insure appropriate compliance with federal
45 Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The Equal Pay Act of
46 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103 of the Civil Rights
47 Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Genetic Information
48 Nondiscrimination Act of 2008; and

49 (8) Be available to inspect and advise the leasing section of the Division of Purchasing on
50 all physical properties owned or leased by the State of West Virginia for compliance with 42 U.S.C.
51 §12101, *et seq.*, the federal Americans with Disabilities Act.

52 (d) (1) The Secretary of the Department of Administration may assess, charge and collect
53 fees from each state spending unit which utilizes the services of the coordinator, for the direct
54 costs and expenses incurred by the coordinator in providing those services. Costs and expenses
55 include travel, materials, equipment and supplies. Moneys shall be collected through the Division
56 of Finance.

57 (2) A state spending unit shall agree in writing to all costs and expenses before the
58 services by the ~~Americans with Disabilities coordinator~~ Equal Opportunity Coordinator are
59 rendered.

60 (e) There is continued in the Department of Administration a special fund ~~to be~~ formerly
61 named the "Americans with Disabilities Coordinator Fund", to be named henceforth the "Equal
62 Opportunity Coordinator Fund", which shall be an interest-bearing account and may be invested
63 in accordance with the provisions of §12-6- 1 *et seq.* of this code, with the interest income a proper
64 credit to the fund. Funds paid into the account may be derived from the following sources:

65 (1) All moneys received from state spending units for the costs and expenses incurred by
66 the ~~state Americans with Disabilities Coordinator~~ State Equal Opportunity Coordinator for

67 providing services related to the state's implementation and compliance with 42 U.S.C. §12101,
68 ~~et seq.~~ the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The
69 Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103
70 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the
71 Genetic Information Nondiscrimination Act of 2008:

72 (2) Any gifts, grants, bequests, transfers or donations which may be received from any
73 governmental entity or unit or any person, firm, foundation or corporation; and

74 (3) All interest or return on investment accruing to the fund.

75 (f) Moneys in the fund are to be used for the costs and expenses incurred pursuant to this
76 section. Any balance including accrued interest in this special fund at the end of any fiscal year
77 shall not revert to the General Revenue Fund, but shall remain in the fund for use by the Secretary
78 of the Department of Administration for providing additional ~~Americans with Disabilities~~ Equal
79 Opportunity Coordinator services within the State of West Virginia in the ensuing fiscal years.

80 (g) The Secretary of the Department of Administration shall report annually on the fund to
81 the Governor, President of the Senate and Speaker of the House of Delegates. The report must
82 be on CD ROM or other electronic media and shall not be in print format.

NOTE: The purpose of this bill is to combine the offices of the State of West Virginia Equal Employment Opportunity Office and the Americans with Disabilities Act Office to more efficiently serve the citizens of the State of West Virginia.

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