WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 464

By Senators Barrett, Deeds, Trump, Rucker, and Clements

[Originating in the Committee on Government Organization; reported on February 24, 2023]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-7a, relating to authorizing the Commissioner of the West Virginia Division of Corrections and Rehabilitation to offer locality pay to correctional officers working at certain facilities designated by the commissioner as having critical staffing shortages.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. Division of corrections and rehabilitation.

§15-3-7a. Locality pay.

(a) In addition to any compensation approved pursuant to §15A-3-7 of this code, a correctional officer employed by the West Virginia Division of Corrections and Rehabilitation working at a facility or work unit designated by the Commissioner of Corrections and Rehabilitation may receive a locality pay differential of up to $10,000 per year in addition to the officer’s regular salary and fringe benefits: *Provided*, That the locality pay is necessary for maintaining critical missions of safety, security, and the preservation of the Division of Corrections and Rehabilitation’s ability to recruit and to retain employees in a competitive manner. Any pay differential provided pursuant to this section may exceed the maximum salary range established for the correctional officer’s position classification.

(b) The Commissioner of Corrections and Rehabilitation shall promulgate a policy directive that establishes rules for the implementation of this section.

(c) If a corrections officer who works for a facility or work unit where locality pay is necessary pursuant to subsection (a) of this section moves to a different facility or work unit where locality pay is not necessary pursuant to said subsection, that officer may receive a pro rata share of locality pay, the amount of which shall be determined by the Commissioner of Corrections.

(d) If a corrections officer who works at a facility or work unit that qualifies for locality pay pursuant to subsection (a) of this section moves to a separate facility or work unit that also qualifies for locality pay pursuant to said section, he or she shall receive a pro rata share of locality pay for his or her work at both facilities to be determined by the Commissioner of Corrections. In all cases, a corrections officer that qualifies for locality pay from two separate facilities or work units under this subsection shall not receive a total locality pay differential that exceeds $10,000 per year.

(e) The provisions of this section shall take effect on July 1, 2023.