

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]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15-3-7a. Locality pay.

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

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

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

17 (d) If a corrections officer who works at a facility or work unit that qualifies for locality pay
18 pursuant to subsection (a) of this section moves to a separate facility or work unit that also

19 qualifies for locality pay pursuant to said section, he or she shall receive a pro rata share of
20 locality pay for his or her work at both facilities to be determined by the Commissioner of
21 Corrections. In all cases, a corrections officer that qualifies for locality pay from two separate
22 facilities or work units under this subsection shall not receive a total locality pay differential that
23 exceeds \$10,000 per year.

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