

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 593

FISCAL
NOTE

By Senators Barrett, Rucker, and Maroney

[Introduced February 09, 2023; referred
to the Committee on Government Organization; and
then 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 §5-5-7; to amend said code by adding thereto a new section, designated §15-
 3 2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all
 4 relating to mandating executive branch agencies, State Police, and county boards of
 5 education implement area cost-of-living salary adjustment policy; stating findings; directing
 6 state agencies, State Police, and county boards of education implement area cost-of-living
 7 salary adjustment policy by certain date; establishing mandatory terms to be included in
 8 policy; and providing that no private cause of action or right to grievance arises from
 9 enactment or operation of the policy.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-7. Mandatory area cost-of-living salary adjustment program; required provisions.

1 The Legislature finds that:
 2 Certain areas of the state are experiencing higher economic growth and more rapid
 3 increases in the costs of living when compared with other areas of the state;
 4 The state is losing valuable public employees in these areas because salaries and benefits
 5 are not competitive with the salaries and benefits paid to employees of other entities, including
 6 other state governments, the federal government, and private employers;
 7 State employees in these areas require adjustments in salary to offset rapid increases in
 8 costs of living, which are much higher when compared to other areas of the state; and

9 Salary adjustments are necessary and prudent to ensure all employees have a standard of
10 living that is uniform throughout the state.

11 The Legislature hereby directs that all Executive Branch state agencies develop and
12 implement an area cost-of-living salary adjustment policy by no later than July 1, 2025.

13 Every area cost-of-living salary adjustment policy shall, at a minimum, include:

14 Criteria for the executive head of the spending unit to designate counties or areas within
15 counties to which any area cost-of-living salary adjustment shall apply;

16 Designation of the amount or range of increases that may be granted pursuant to the policy
17 and the positions to which the increases may apply;

18 Provisions that the policy may not be construed to prohibit other pay increases based on
19 merit, seniority, promotion, or other reason, and further providing that any increase in
20 compensation pursuant to the area cost-of-living salary adjustment policy shall be granted prior to
21 consideration of any other increases;

22 Provisions that the policy may be applied to positions regardless of classification or title;

23 Provisions that if, following an increase in salary pursuant to the policy, an employee will
24 make more than the maximum allowable range established for the position classification by
25 statute, statutory schedule, or the West Virginia Division of Personnel, the increase shall still take
26 effect and the employee shall make more than the pay grade or classification maximum;

27 Provisions for reduction or termination of any increase in an employee's salary if the
28 employee no longer qualifies for an increase under the terms of the policy;

29 Provisions that the policy may not be construed to mandate an increase in the salary of any
30 elected or appointed officer of the state; and

31 Provisions that the policy shall be reviewed and updated annually.

32 The policy mandated by this section shall be provided to the President of the Senate, the
33 Speaker of the House of Delegates, the Governor's Office, and the State Budget Office in writing
34 and electronically by no later than September 1, 2023.

35 It is the specific intent of the Legislature that no right to grievance or private cause of
 36 action, either express or implied, is created or otherwise may arise from the enactment, provisions,
 37 or implementation of this section.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5a. Mandatory area cost-of-living salary adjustment policy; required provisions.

1 The superintendent shall develop, implement, and report an area cost-of-living salary
 2 adjustment policy in accordance with the provisions of §5-5-7 of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-5c. Mandatory area cost-of-living salary adjustment policy; required provisions.

1 Each county board of education shall develop, implement, and report an area cost-of-living
 2 salary adjustment policy in accordance with the provisions of §5-5-7 of this code for professional
 3 and service personnel. Notwithstanding any other provision of this code to the contrary, a county
 4 board may use local funds in the implementation of a cost-of-living salary adjustment policy and
 5 local funds need not be used in a uniform manner in the policy’s implementation.

NOTE: The purpose of this bill is to mandate executive branch agencies, the State Police, and county boards of education develop and implement an area cost-of-living salary adjustment program by no later than July 1, 2025. The bill sets out the terms that any such policy shall, at a minimum, include. The bill further provides that no private cause of action or right to grievance shall arise as a result of enactment or operation of this policy.

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