

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4734**

By Delegates Nestor, Kelly, Hott, Riley, Martin,

Brooks, Barnhart, Petitto, Vance, and Young

[Originating in the Committee on Finance; Reported

on February 22, 2024]



1 A BILL amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to  
2 providing a pay equity salary adjustment and increase to certain employees of the Division  
3 of Corrections and Rehabilitation.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.**

**§5-5-4b. Division of Corrections, Division of Juvenile Services, and Regional Jail Authority  
pay equity salary adjustment.**

1 (a) The Legislature hereby finds that the Division of Corrections, Division of Juvenile  
2 Services and the West Virginia Regional Jail and Correctional Facility Authority have extreme  
3 difficulty with recruiting and retaining employees of all types.

4 (b) The Legislature hereby directs that a pay equity salary adjustment and increase be  
5 provided to all employees of the Division of Corrections, Division of Juvenile Services, and the  
6 West Virginia Regional Jail and Correctional Facility Authority, regardless of where the employee  
7 reports to work. This salary adjustment shall be for a total of \$6,000 apportioned over a three-year  
8 period as follows:

9 (1) On July 1, 2018, applicable employees of the Division of Corrections, Division of  
10 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be  
11 given an increase in annual pay of \$2,000;

12 (2) On July 1, 2019, applicable employees of the Division of Corrections, Division of  
13 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be  
14 given an increase in annual pay of \$2,000; and

15 (3) On July 1, 2020, applicable employees of the Division of Corrections, Division of  
16 Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority shall be  
17 given an increase in annual pay of \$2,000.

18 (c)(1) On July 1, 2024, the Legislature hereby directs that a pay equity salary adjustment  
19 and increase be provided to full-time equivalent employees of the Division of Corrections and

20 Rehabilitation that are employed as non-uniform administrative staff. This salary adjustment shall  
21 be for a total of three percent of each such employee's salary as of the effective date of this  
22 subdivision for those employees who have accumulated three years or more of continuous  
23 employment.

24 (2) On or after July 1, 2024, individuals who have accumulated less than three years of  
25 continuous employment and individuals becoming employed as full-time equivalent employees of  
26 the Division of Corrections and Rehabilitation that are employed as non-uniform administrative  
27 staff shall receive a salary adjustment for a total of three percent of each such employee's salary  
28 after each such individual accumulates three years of continuous service, which will be calculated  
29 based upon the employee's salary at the date he or she accumulated three years of continuous  
30 service.

31 ~~(e)~~(d) Funding for the pay rates for employees of the Division of Corrections and Division of  
32 Juvenile Services shall be provided from the general revenue appropriations to the Division of  
33 Corrections and Division of Juvenile Services, respectively.

34 ~~(d)~~(e) The salary adjustment for employees of the West Virginia Regional Jail Authority  
35 shall be funded from the special revenue fund established in §31-20-10 of this code, and shall not  
36 require additional general revenue appropriations from the Legislature.

37 (f) For purposes of the reenactment of this section during the regular session of the  
38 Legislature in 2024, the salary adjustments set forth in subsection (c) of this section for the  
39 applicable full-time equivalent employees of the Division of Corrections and Rehabilitation that are  
40 employed as non-uniform administrative staff shall be paid from the general revenue  
41 appropriations to the Division of Corrections and Rehabilitation: *Provided*, That the salary  
42 adjustment for the applicable full-time equivalent employees of the Division of Corrections and  
43 Rehabilitation that are employed as non-uniform administrative staff employed at a regional jail  
44 shall be funded from the special revenue fund established in §15A-3-16 of this code.

45           ~~(e)~~(g) In the event any provision of this section conflicts with any rule, policy, or provision of  
46 this code, this section shall control. Due to the limits of funding, the implementation of the pay rates  
47 and employment requirements shall not be subject to the provisions of §6C-2-1 *et seq.* of this  
48 code. The provisions of this section are rehabilitative in nature and it is the specific intent of the  
49 Legislature that no private cause of action, either express or implied, shall arise pursuant to the  
50 provisions or implementation of this section.

51           ~~(f)~~(h) If, following this pay raise, the employee will make more than the maximum allowable  
52 by the Division of Personnel for the pay grade, this salary increase shall still take effect, and that  
53 employee shall make more than the pay grade maximum.