

H. B. 2535

(By Delegates Mahan, Fleischauer, Barker and L. Phillips)

[Introduced January 18, 2011; referred to the Committee on Government Organization then Finance.]

**Interim Bill**

A BILL to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5 and §5-30-6, all relating to the creation of an equal pay coordinator within the Governor's Office to ensure pay equity among state employees; making Legislative findings; providing qualifications for the position; providing powers and duties of coordinator; providing for the development of a strategic plan to ensure pay equity in state government; authorizing other agencies to share necessary information with the coordinator; and providing rule-making authority.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5 and §5-30-6, all to read as follows:

**ARTICLE 30. WEST VIRGINIA EQUAL PAY COORDINATOR.**

**§5-30-1. Legislative findings and purpose.**

1       The Legislature finds that despite efforts to alleviate the  
2 equal pay disparities of state workers through annual adjustments  
3 in compensation to positions reported by the West Virginia Division  
4 of Personnel, there is a further need for an Equal Pay Coordinator  
5 within the Office of the Governor to precisely evaluate, research,  
6 monitor and report on this issue and facilitate an effective and  
7 efficient strategic plan in resolving pay inequity among state  
8 employees.

9 **§5-30-2. Equal Pay Coordinator established.**

10       There is hereby established an Equal Pay Coordinator  
11 (hereinafter the "coordinator") within the Office of the Governor.

12 **§5-30-3. Appointment; qualifications of coordinator.**

13       (a) The coordinator is under the supervision of the Governor's  
14 Office, and shall be appointed by th Governor with the advice and  
15 consent of the Senate. The coordinator shall be qualified by  
16 training and experieance to carry out the duties provided in this  
17 article.

18       (b) The coordinator:

19       (1) Shall serve on a full-time basis;

20       (2) May not hold political office in the government of the  
21 state either by election or appointment while serving as  
22 Coordinator;

23       (3) Shall be a citizen of the United States and become a  
24 resident of the state within ninety days of appointment;

1       (4) Is entitled to receive an annual salary, as provided by  
2 the Governor; and

3       (5) Is exempt from coverage under classified service as  
4 provided in section four, article six, chapter twenty-nine of this  
5 code.

6 **§5-30-4. Powers and duties.**

7       The coordinator is charged with:

8       (a) Evaluating the current status of pay inequity of state  
9 employees, including collaborating with any existing agencies or  
10 entities undertaking similar studies which will address pay  
11 inequity factors among state employees;

12       (b) Researching different models designed to achieve pay  
13 equity for public employees, including initiatives and programs  
14 undertaken by other states or public entities;

15       (c) Monitoring all litigation or legal actions resulting from  
16 pay inequity of state employees before state courts or  
17 administrative tribunals;

18       (d) Reporting to the Joint Committee on Government and Finance  
19 annually by December 31<sup>st</sup> of each calendar year, concerning the  
20 status of pay inequity among state employees and any initiatives to  
21 resolve such inequity undertaken by executive agencies, and to  
22 provide such other information as the committee may request;

23       (e) Developing a strategic plan to address pay inequity among  
24 current state employees, as well as future employees. The plan

1 shall include:

2 (1) The current status of pay inequity among state employees;

3 (2) Recommendations of any necessary legislation or policies

4 to be adopted to achieve pay equity; and

5 (3) An ongoing monitoring schedule to ensure policies adopted

6 by either the agencies affected or the Legislature are sustained;

7 and

8 (f) Making any recommendations to the Governor for legislative

9 or administrative changes necessary to achieve pay equity among

10 existing or for future state employees.

11 **§5-30-5. Access to information; communication with other agencies.**

12 The coordinator shall have access to such other information,

13 statistics, reports or other data, of a nonconfidential nature,

14 compiled or maintained by other agencies regarding salaries,

15 classifications, qualifications, skills, military service or other

16 factors affecting employment of state employees.

17 The coordinator shall make available to other agencies,

18 including the Equal Pay Commission, any statistics, reports, data

19 or other information of a nonconfidential nature, regarding pay

20 inequity of state employees, upon request, which such availability

21 would foster or improve pay inequity among state employees.

22 **§5-30-6. Rule-making Authority.**

23 To implement any section of this article, the coordinator

24 shall propose rules for legislative approval in accordance with

1 article three, chapter twenty-nine-a of this code. This authority  
2 shall include emergency rule-making authority pursuant to the  
3 provisions of section fifteen, article three, chapter twenty-nine-a  
4 of this code.

NOTE: The purpose of this bill is to create an Equal Pay Coordinator within the Office of the Governor to coordinate and monitor efforts to achieve pay equity among state employees.

This article is new; therefore, it has been completely underscored.