

Senate Bill No. 135

(By Senator Yost)

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[Introduced February 13, 2013; referred to the Committee on
Government Organization; and then to the Committee on Finance.]

**Interim
Bill**

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §29-6-29, relating to
the creation of an Equal Pay Coordinator within the Division
of Personnel 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 section, designated §29-6-29, to read as
follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.

1 **§29-6-29. Equal Pay Coordinator.**

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

10 (b) There is hereby created the position of Equal Pay
11 Coordinator within the Division of Personnel under the supervision
12 of the Director of the Division of Personnel, and the coordinator
13 shall be appointed by the Secretary of the Department of
14 Administration.

15 (c) The coordinator:

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

17 (2) May not hold political office in the government of the
18 state either by election or appointment while serving as
19 coordinator;

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

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

1 (d) The coordinator is charged with:

2 (1) Evaluating the current status of pay inequity of state
3 employees, including collaborating with any existing agencies or
4 entities undertaking similar studies which will address pay
5 inequity factors among state employees;

6 (2) Researching different models designed to achieve pay
7 equity for public employees, including initiatives and programs
8 undertaken by other states or public entities;

9 (3) Monitoring all litigation or legal actions resulting from
10 pay inequity of state employees before state courts or
11 administrative tribunals;

12 (4) Reporting to the Joint Committee on Government and Finance
13 and to the Equal Pay Commission annually by December 31 of each
14 calendar year, concerning the status of pay inequity among state
15 employees and any initiatives to resolve the inequity undertaken
16 by executive agencies, and to provide such other information as the
17 committee may request;

18 (5) Developing a strategic plan to address pay inequity among
19 current state employees, as well as future employees. The plan
20 shall include:

21 (A) The current status of pay inequity among state employees;

22 (B) Recommendations of any necessary legislation or policies
23 to be adopted to achieve pay equity; and

24 (C) An ongoing monitoring schedule to ensure policies adopted

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

2 (6) Making any recommendations to the Director of the Division
3 of Personnel for legislative or administrative changes necessary to
4 achieve pay equity among existing or for future state employees;
5 and

6 (7) Researching and evaluating classification and compensation
7 issues as deemed necessary, and any other duties deemed necessary
8 by the Director of the Division of Personnel.

9 (e) The coordinator shall have access to other information,
10 statistics, reports or other data, of a nonconfidential nature,
11 compiled or maintained by other agencies regarding salaries,
12 classifications, qualifications, skills, military service or other
13 factors affecting employment of state employees.

14 The coordinator shall make available to other agencies,
15 including the Equal Pay Commission, any statistics, reports, data
16 or other information of a nonconfidential nature, regarding pay
17 inequity of state employees, upon request, which availability would
18 foster or improve pay inequity among state employees.

19 (f) *Rule making* - To implement the provisions of this section,
20 the Director of the Division of Personnel shall propose rules for
21 legislative approval in accordance with article three, chapter
22 twenty-nine-a of this code. This authority includes emergency
23 rule-making authority pursuant to the provisions of section
24 fifteen, article three, chapter twenty-nine-a of this code.

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

This section is new; therefore, strike-throughs and underscoring have been omitted.

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the Equal Pay Commission.