

**Senate Bill No. 248**

(By Senator Yost)

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[Introduced January 8, 2014; referred to the Committee on  
Government Organization; and then to the Committee on Finance.]

**FISCAL  
NOTE**

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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; setting forth 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; requiring  
reports; 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:

1 **ARTICLE 6. CIVIL SERVICE SYSTEM.**

2 **§29-6-29. Equal Pay Coordinator.**

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

11 (b) The position of Equal Pay Coordinator is created within  
12 the Division of Personnel under the supervision of the Director of  
13 the Division of Personnel. The coordinator shall be appointed by  
14 the Secretary of the Department of 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, if not  
21 already a resident, become a resident of the state within ninety  
22 days of appointment; and

23 (4) Is exempt from coverage under classified service as

1 provided in section four, article six, chapter twenty-nine of this  
2 code.

3 (d) The coordinator is charged with:

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

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

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

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

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

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

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

3 (C) An ongoing monitoring schedule to ensure policies adopted  
4 by either the agencies affected or the Legislature are sustained;

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

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

12 (e) The coordinator shall have access to 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 availability would  
21 foster or improve pay inequity among state employees.

22 (f) *Rule making* - To implement this section, the Director of  
23 the Division of Personnel shall propose rules for legislative

1 approval in accordance with article three, chapter twenty-nine-a of  
2 this code. This authority includes emergency rule-making  
3 authority pursuant to section fifteen, article three, chapter  
4 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. The bill making legislative findings. The bill provides qualifications for the position. The bill sets forth powers and duties of coordinator. The bill provides for the development of a strategic plan to ensure pay equity in state government. The bill authorizes other agencies to share necessary information with the coordinator. The bill requires reports. The bill provides rule-making authority.

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