

HB 4254 (veto)

FILED

2014 MAR 31 P 8:07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4254

(By Delegates Armstead, Mr. Speaker (Mr. Miley)
Ashley, Cadle, Westfall, McCuskey, Butler, Manchin,
Walters, Boggs and E. Nelson)



Passed March 7, 2014

In effect from passage.

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FOR

H. B. 4254

(BY DELEGATES ARMSTEAD, MR. SPEAKER (MR. MILEY),
ASHLEY, CADLE, WESTFALL, MCCUSKEY, BUTLER, MANCHIN,
WALTERS, BOGGS AND E. NELSON)

[Passed March 7, 2014: in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency.

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 §15-5-15b, to read as follows:

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**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY
MANAGEMENT.**

APR 13 2013

**§15-5-15b. Paid leave for certain state officers and employees
during a declared state of emergency.**

1 (a) Any state employee who is designated an essential
2 member of an emergency aid provider may be granted leave
3 from his or her state employment with pay, for not more than
4 fifteen work days in each year, to provide disaster relief or
5 emergency services in areas of the state in which a state of
6 emergency has been declared. Leave shall be granted under this
7 section upon: (1) Designation of the employee as an essential
8 member by the chief executive officer or other officer or agent
9 of the emergency aid provider who has authority to act on its
10 behalf; and (2) approval of that employee's immediate
11 supervisor. Leave shall be granted without loss of pay, annual
12 leave, sick leave, earned overtime compensation, seniority or
13 compensatory time. The state shall compensate an employee
14 granted leave under this section at the employee's regular rate of
15 pay for those regular work hours during which the employee is
16 absent from his or her state employment. Any supervisor
17 granting leave to an employee for purposes of participating in
18 disaster relief or emergency services pursuant to this section
19 shall make a report to the Governor which includes the name of
20 the employee and the total cost, if any, to the employing agency
21 attributable to the temporary replacement of the employee
22 granted leave in the circumstance where replacement is
23 necessary. The Governor shall keep a record of the total cost
24 reported and in no event may the total cost for all state agencies
25 exceed \$300,000: *Provided*, That upon approval of the Governor
26 and repayment of the cost to the employing agency, from the
27 Civil Contingent Fund, leave may be granted in an excess of a
28 total cost of \$300,000.

29 (b) Notwithstanding the provisions of this section to the
30 contrary, no person may be designated an essential member of
31 an emergency aid provider for purposes of this section, if the

32 person is employed by an emergency aid provider located in or
33 that customarily serves an area included within the state of
34 emergency.

35 (c) As used in this section:

36 (1) "Emergency aid provider" means a local organization for
37 emergency services as defined by section two, article five,
38 chapter fifteen of this code or a volunteer fire department that is
39 providing emergency services during a state of emergency as a
40 result of the circumstances that resulted in the declaration of the
41 state of emergency;

42 (2) "Essential member" means a person designated by an
43 emergency aid provider whose services are needed to provide
44 emergency services due to the circumstances that resulted in the
45 declaration of the state of emergency;

46 (3) "State of emergency" means the situation existing after
47 the occurrence of a disaster or circumstance in which a state of
48 emergency has been declared by the Governor or by the
49 Legislature pursuant to the provisions of section six of this
50 article or in which a major disaster declaration or emergency
51 declaration has been issued by the President of the United States.

52 (d) The provisions of this section enacted during 2014
53 regular session of the Legislature shall be in effect retroactive to
54 January 1, 2014.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells
Chairman, House Committee

[Signature]
~~Member~~ — Chairman, Senate Committee

Originating in the House.

In effect from passage.

Dwight W. Sneyd
Clerk of the House of Delegates

Joseph M. Minard
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
President of the Senate

The within *is disapproved* this the *31st*
day of *March*, 2014.

Carl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 10:45 am