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**H. B. 2731**

(By Delegates Perry, Boggs, Ferro, Ashley, Cadle, Storch,  
Perdue, Williams, Moye, Campbell and Morgan)

[Introduced February 13, 2015; referred to the  
Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; to amend and reenact §31-20-27 of said code; and to amend and reenact §49-5E-5a of said code, all relating to salaries for Division of Corrections, Regional Jail Authority, and Division of Juvenile Services employees; providing an increase in the annual salary of employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services; providing an increase in the starting salary of employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services; and providing for longevity pay increases for the employees of the Division of Corrections, Regional Jail Authority, and Division of Juvenile Services.

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

That §25-1-11d of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §31-20-27 of said code be amended and reenacted; and that §49-5E-5a of said code be amended and reenacted, all to read as follows:

**CHAPTER 25. DIVISION OF CORRECTIONS.**

1 **ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.**

2 **§25-1-11d. Compensation of employees approved by commissioner; traveling and other**  
3 **expenses; payment of salaries; longevity salary increases.**

4 (a) The Commissioner of Corrections shall approve the salaries of all employees of the  
5 Division of Corrections. Salaries shall be commensurate with their duties and responsibilities, but  
6 no meals or other emoluments of any kind shall be furnished, given or paid to the employee as all  
7 or part of their salary. The employees may be provided meals, household facilities and supplies as  
8 may be necessary for them to perform their duties, if the employees agree to pay the reasonable cost  
9 as established by the Commissioner of Corrections. ~~In the event of~~ If there is an emergency, such  
10 as a riot or other disturbance, the commissioner may authorize meals be provided to employees at  
11 no cost. Additionally, the commissioner may establish a procedure to reimburse employees  
12 reasonable costs in the event the employee's personal property is stolen or damaged by an inmate.  
13 All persons employed under this article are entitled to be reimbursed for necessary traveling and  
14 other expenses. The salaries, expenses and appropriations provided for the employees under the  
15 commissioner's jurisdiction shall be paid in the same manner as are those of other state employees  
16 and agencies and on a payment schedule set forth by the State Auditor.

17 (b) The Legislature finds that the Division of Corrections has extreme difficulty in recruiting  
18 and retaining employees because of the necessity of the employees to work in prison environments,  
19 with inmates, and with parolees. Further, the Legislature finds that, pursuant to the Joint Committee  
20 on Government and Finance study entitled Examination of Current Salaries, Turnover, Overtime and  
21 Vacancies for Correctional Officer Positions at the West Virginia Division of Corrections completed  
22 in January, 2015, the State of West Virginia has the lowest starting pay for these employees in the

1 nation. Accordingly, the Legislature directs that:

2 (1) The West Virginia Division of Personnel shall raise the minimum salary established for  
3 every classification within the Division of Corrections for all original appointments or reinstated  
4 employees by \$2,000. The pay rates and employment requirements shall be put into effect on July  
5 1, 2015;

6 (2) The commissioner shall increase the annual salary of each Division of Corrections  
7 employee who is on the Division of Corrections payroll on June 30, 2015, by \$2,000 effective July  
8 1, 2015; and

9 (3) The funding for the salary increase, pay rates and employment requirements contained  
10 in this subsection shall be provided from an appropriation to the Department of Military Affairs and  
11 Public Safety, Division of Corrections. Due to the limits of funding, the implementation of the  
12 salary increase, pay rates and employment requirements shall not be subject to the provisions of  
13 article two, chapter six-c of this code. The provisions of this section are rehabilitative in nature and  
14 it is the specific intent of the Legislature that no private cause of action, either express or implied,  
15 shall arise pursuant to the provisions or implementation of this section.

16 (c) Notwithstanding any provision of this code to the contrary and pursuant to the  
17 recommendation of the West Virginia Department of Military Affairs and Public Safety, the  
18 following longevity pay increases shall be made to correctional employees in addition to any other  
19 pay increases given by the Governor or through the Division of Personnel, including any across- the-  
20 board pay increase:

21 (1) After two years of service, Division of Corrections employees shall receive a 5% salary  
22 increase;

1 (2) After three years of service, Division of Corrections employees shall receive a 2.5%  
2 salary increase;

3 (3) After four years of service, Division of Corrections employees shall receive a 2.5% salary  
4 increase;

5 (4) After five years of service, Division of Corrections employees shall receive a 2.5% salary  
6 increase;

7 (5) After eight years of service, Division of Corrections employees shall receive a 5% salary  
8 increase; and

9 (6) After eleven years of service, and after every additional three years of service thereafter,  
10 Division of Corrections employees shall receive a 3% salary increase.

11 **CHAPTER 31. CORPORATIONS.**

12 **ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY**

13 **AUTHORITY.**

14 **§31-20-27. Employees of Regional Jail Authority; priority of hiring; civil service coverage.**

15 (a) Notwithstanding any provision of this code to the contrary, the authority, when hiring  
16 employees to complete the approved staffing plan of a regional jail shall do so at a salary and with  
17 benefits consistent with the approved plan of compensation of the Division of Personnel, created  
18 under section five, article six, chapter twenty-nine of this code: Provided, That, effective July 1,  
19 2015, the West Virginia Division of Personnel shall raise the minimum salary established for every  
20 classification within the Regional Jail Authority for all original appointments or reinstated employees  
21 by \$2,000 and all employees of the Regional Jail Authority, who are on the payroll on June 30, 2015,  
22 shall receive a \$2,000 salary increase on July 1, 2015, all of which is to be provided from funds

1 appropriated by the Legislature. The pay rates and employment requirements shall be put into effect  
2 on July 1, 2015. All persons employed under this subsection shall be placed in the civil service  
3 system as covered employees. On and after January 1, 2008, the Executive Director of the Regional  
4 Jail and Correctional Facility Authority; all employees within the office of the executive director and  
5 all regional jail administrators are exempt from coverage under the classified service.

6 (b) Persons employed under the provisions of this subsection shall be employed at a salary  
7 and with benefits consistent with the approved plan of compensation of the Division of Personnel,  
8 created under section five, article six, chapter twenty-nine of this code. All persons employed under  
9 this subsection shall also be covered by the policies and procedures of the West Virginia Public  
10 Employees Grievance Board created under section one, article three, chapter six-c of this code.

11 (c) Notwithstanding the provisions of section ten, article six, chapter twenty-nine of this  
12 code, and any rule promulgated thereunder, on and after July 1, 2007, any person applying for  
13 employment with the Regional Jail and Correctional Facility Authority shall be hired based on  
14 passage of the correctional officer examination without regard to his or her position on the  
15 correctional officer register and shall be placed in the civil service system as covered employees:  
16 *Provided*, That no such person shall be hired before an otherwise qualified person on a preference  
17 register.

18 (d) Notwithstanding any provision of this code to the contrary and pursuant to the  
19 recommendation of the West Virginia Department of Military Affairs and Public Safety, the  
20 following longevity pay increases shall be made to Regional Jail Authority employees in addition  
21 to any other pay increases given by the Governor or through the Division of Personnel, including any  
22 across the board pay increase:

1           (1) After two years of service, Regional Jail Authority employees shall receive a 5% salary  
2 increase;

3           (2) After three years of service, Regional Jail Authority employees shall receive a 2.5% salary  
4 increase;

5           (3) After four years of service, Regional Jail Authority employees shall receive a 2.5% salary  
6 increase;

7           (4) After five years of service, Regional Jail Authority employees shall receive a 2.5% salary  
8 increase;

9           (5) After eight years of service, Regional Jail Authority employees shall receive a 5% salary  
10 increase; and

11           (6) After eleven years of service, and after every additional three years of service thereafter,  
12 Regional Jail Authority employees shall receive a 3% salary increase.

13 **CHAPTER 49. CHILD WELFARE.**

14 **ARTICLE 5E. DIVISION OF JUVENILE SERVICES.**

15 **§49-5E-5a. Juvenile detention and corrections facilities; employees; priority of hiring.**

16           (a) Notwithstanding any provision of this code to the contrary, the division, when employing  
17 any persons to complete the approved staffing plan of any of its juvenile detention or corrections  
18 facilities, shall employ any person otherwise qualified who applies for a position at the juvenile  
19 detention or corrections facility who was also employed in good standing at a county or local jail  
20 facility, at the time of its closing, that was closed due to the completion of a regional jail.

21           (b) All persons employed at a juvenile detention or corrections facility shall be employed at  
22 a salary and with benefits consistent with the approved plan of compensation of the Division of

1 Personnel, created under section five, article six, chapter twenty-nine of this code: Provided, That,  
2 effective July 1, 2015, the West Virginia Division of Personnel shall raise the minimum salary  
3 established for every classification within the Division of Juvenile Services for all original  
4 appointments or reinstated employees by \$2,000 and all employees of the Division of Juvenile  
5 Services, who are on the payroll on June 30, 2015, shall receive a \$2,000 salary increase on July 1,  
6 2015, all of which is to be provided from funds appropriated by the Legislature. The pay rates and  
7 employment requirements shall be put into effect on July 1, 2015. All employees shall also be  
8 covered by the policies and procedures of the West Virginia Public Employees Grievance Board,  
9 created under article two, chapter six-c of this code and the classified service protection policies of  
10 the Division of Personnel.

11 (c) Notwithstanding any provision of this code to the contrary and pursuant to the  
12 recommendation of the West Virginia Department of Military Affairs and Public Safety, the  
13 following longevity pay increases shall be made to Division of Juvenile Services employees in  
14 addition to any other pay increases given by the Governor or through the Division of Personnel,  
15 including any across the board pay increase:

16 (1) After two years of service, Division of Juvenile Services employees shall receive a 5%  
17 salary increase;

18 (2) After three years of service, Division of Juvenile Services employees shall receive a 2.5%  
19 salary increase;

20 (3) After four years of service, Division of Juvenile Services employees shall receive a 2.5%  
21 salary increase;

22 (4) After five years of service, Division of Juvenile Services employees shall receive a 2.5%

1 salary increase;

2 (5) After eight years of service, Division of Juvenile Services employees shall receive a 5%

3 salary increase; and

4 (6) After eleven years of service, and after every additional three years of service thereafter,

5 Division of Juvenile Services employees shall receive a 3% salary increase.

NOTE: The purpose of this bill is to adopt the recommendations of the Joint Committee on Government and Finance report entitled Examination of the Current Salaries, Turnover, Overtime and Vacancies for Correctional Officer Positions at the West Virginia Division of Corrections and the salary increases for longevity recommended by the WV Department of Military Affairs and Public Safety. In doing so the bill increases salaries and creates longevity pay increases for all employees of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.