

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 78

**FISCAL
NOTE**

BY SENATOR YOST

[Introduced January 13, 2016;

Referred to the Committee on Government

Organization; and then to the Committee on Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-6-29, relating to the creation of Equal Pay Coordinator within the Division
 3 of Personnel to ensure pay equity among state employees; making legislative findings;
 4 setting forth qualifications for position; providing powers and duties of coordinator;
 5 providing for development of strategic plan to ensure pay equity in state government;
 6 authorizing other agencies to share necessary information with coordinator; requiring
 7 reports; and providing rule-making authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §29-6-29, to read as follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-29. Equal Pay Coordinator.

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

7 (b) The position of Equal Pay Coordinator is created within the Division of Personnel under
 8 the supervision of the Director of the Division of Personnel. The coordinator shall be appointed
 9 by the Secretary of the Department of Administration.

10 (c) The coordinator:

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

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

14 (3) Shall be a citizen of the United States and, if not already a resident, become a resident

15 of the state within ninety days of appointment; and

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

18 (d) The coordinator is charged with:

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

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

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

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

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

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

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

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

37 (6) Making any recommendations to the Director of the Division of Personnel for legislative
38 or administrative changes necessary to achieve pay equity among existing or for future state

39 employees; and

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

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

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

50 (f) Rule making – To implement this section, the Director of the Division of Personnel shall
51 propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of
52 this code. This authority includes emergency rule-making authority pursuant to section fifteen,
53 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. 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.

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

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