

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2731

FISCAL
NOTE

2015 Carryover

(BY DELEGATES PERRY, BOGGS, FERRO, CADLE,
STORCH, PERDUE, CAMPBELL AND MORGAN)

[Introduced January 13, 2016; referred to the
Committee on Finance.]

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

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 25. DIVISION OF CORRECTIONS.

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

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

1 (a) The Commissioner of Corrections shall approve the salaries of all employees of the
 2 Division of Corrections. Salaries shall be commensurate with their duties and responsibilities,
 3 but no meals or other emoluments of any kind shall be furnished, given or paid to the employee
 4 as all or part of their salary. The employees may be provided meals, household facilities and
 5 supplies as may be necessary for them to perform their duties, if the employees agree to pay the

6 reasonable cost as established by the Commissioner of Corrections. ~~In the event of~~ If there is
7 an emergency, such as a riot or other disturbance, the commissioner may authorize meals be
8 provided to employees at no cost. Additionally, the commissioner may establish a procedure to
9 reimburse employees reasonable costs in the event the employee's personal property is stolen
10 or damaged by an inmate. All persons employed under this article are entitled to be reimbursed
11 for necessary traveling and other expenses. The salaries, expenses and appropriations
12 provided for the employees under the commissioner's jurisdiction shall be paid in the same
13 manner as are those of other state employees and agencies and on a payment schedule set forth
14 by the State Auditor.

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

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

26 (2) The commissioner shall increase the annual salary of each Division of Corrections
27 employee who is on the Division of Corrections payroll on June 30, 2015, by \$2,000 effective July
28 1, 2015; and

29 (3) The funding for the salary increase, pay rates and employment requirements contained

30 in this subsection shall be provided from an appropriation to the Department of Military Affairs and
 31 Public Safety, Division of Corrections. Due to the limits of funding, the implementation of the
 32 salary increase, pay rates and employment requirements shall not be subject to the provisions of
 33 article two, chapter six-c of this code. The provisions of this section are rehabilitative in nature
 34 and it is the specific intent of the Legislature that no private cause of action, either express or
 35 implied, shall arise pursuant to the provisions or implementation of this section.

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

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

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

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

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

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

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

CHAPTER 31. CORPORATIONS.

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

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

1 (a) Notwithstanding any provision of this code to the contrary, the authority, when hiring
2 employees to complete the approved staffing plan of a regional jail shall do so at a salary and
3 with benefits consistent with the approved plan of compensation of the Division of Personnel,
4 created under section five, article six, chapter twenty-nine of this code: Provided, That, effective
5 July 1, 2015, the West Virginia Division of Personnel shall raise the minimum salary established
6 for every classification within the Regional Jail Authority for all original appointments or reinstated
7 employees by \$2,000 and all employees of the Regional Jail Authority, who are on the payroll on
8 June 30, 2015, shall receive a \$2,000 salary increase on July 1, 2015, all of which is to be provided
9 from funds appropriated by the Legislature. The pay rates and employment requirements shall
10 be put into effect on July 1, 2015. All persons employed under this subsection shall be placed
11 in the civil service system as covered employees. On and after January 1, 2008, the Executive
12 Director of the Regional Jail and Correctional Facility Authority; all employees within the office of
13 the executive director and all regional jail administrators are exempt from coverage under the
14 classified service.

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

21 (c) Notwithstanding the provisions of section ten, article six, chapter twenty-nine of this

22 code, and any rule promulgated thereunder, on and after July 1, 2007, any person applying for
 23 employment with the Regional Jail and Correctional Facility Authority shall be hired based on
 24 passage of the correctional officer examination without regard to his or her position on the
 25 correctional officer register and shall be placed in the civil service system as covered employees:
 26 *Provided*, That no such person shall be hired before an otherwise qualified person on a preference
 27 register.

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

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

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

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

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

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

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

CHAPTER 49. CHILD WELFARE.

ARTICLE 5E. DIVISION OF JUVENILE SERVICES.**§49-5E-5a. Juvenile detention and corrections facilities; employees; priority of hiring.**

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

6 (b) All persons employed at a juvenile detention or corrections facility shall be employed
7 at a salary and with benefits consistent with the approved plan of compensation of the Division of
8 Personnel, created under section five, article six, chapter twenty-nine of this code: Provided,
9 That, effective July 1, 2015, the West Virginia Division of Personnel shall raise the minimum salary
10 established for every classification within the Division of Juvenile Services for all original
11 appointments or reinstated employees by \$2,000 and all employees of the Division of Juvenile
12 Services, who are on the payroll on June 30, 2015, shall receive a \$2,000 salary increase on July
13 1, 2015, all of which is to be provided from funds appropriated by the Legislature. The pay rates
14 and employment requirements shall be put into effect on July 1, 2015. All employees shall also
15 be covered by the policies and procedures of the West Virginia Public Employees Grievance
16 Board, created under article two, chapter six-c of this code and the classified service protection
17 policies of the Division of Personnel.

18 (c) 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 Division of Juvenile Services employees in
21 addition to any other pay increases given by the Governor or through the Division of Personnel,
22 including any across the board pay increase:

- 23 (1) After two years of service, Division of Juvenile Services employees shall receive a 5%
24 salary increase;
- 25 (2) After three years of service, Division of Juvenile Services employees shall receive a
26 2.5% salary increase;
- 27 (3) After four years of service, Division of Juvenile Services employees shall receive a
28 2.5% salary increase;
- 29 (4) After five years of service, Division of Juvenile Services employees shall receive a
30 2.5% salary increase;
- 31 (5) After eight years of service, Division of Juvenile Services employees shall receive a
32 5% salary increase; and
- 33 (6) After eleven years of service, and after every additional three years of service
34 thereafter, 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.