

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2796

**FISCAL
NOTE**

2015 Carryover

(BY MR. SPEAKER, (MR. ARMSTEAD))

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

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

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 §15-5-15b, to read as follows:

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

**§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 member of an emergency aid
 2 provider may be granted leave from his or her state employment with pay, for not more than fifteen
 3 work days in each year, to provide disaster relief or emergency services in areas of the state in
 4 which a state of emergency has been declared. Leave shall be granted under this section upon:
 5 (1) Designation of the employee as an essential member by the chief executive officer or other
 6 officer or agent of the emergency aid provider who has authority to act on its behalf; and (2)
 7 approval of that employee's immediate supervisor. Leave shall be granted without loss of pay,
 8 annual leave, sick leave, earned overtime compensation, seniority or compensatory time. The
 9 state shall compensate an employee granted leave under this section at the employee's regular
 10 rate of pay for those regular work hours during which the employee is absent from his or her state
 11 employment. Any supervisor granting leave to an employee for purposes of participating in
 12 disaster relief or emergency services pursuant to this section shall make a report to the Governor
 13 which includes the name of the employee and the total cost, if any, to the employing agency
 14 attributable to the temporary replacement of the employee granted leave in the circumstance

15 where replacement is necessary. The Governor shall keep a record of the total cost reported
 16 and in no event may the total cost for all state agencies exceed \$300,000: *Provided*, That upon
 17 approval of the Governor and repayment of the cost to the employing agency, from the Civil
 18 Contingent Fund, leave may be granted in an excess of a total cost of \$300,000.

19 (b) Notwithstanding the provisions of this section to the contrary, no person may be
 20 designated an essential member of an emergency aid provider for purposes of this section, if the
 21 person is employed by an emergency aid provider located in or that customarily serves an area
 22 included within the state of emergency.

23 (c) As used in this section:

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

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

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

NOTE: The purpose of this bill is to provide 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.

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