

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 475

FISCAL
NOTE

BY SENATORS OJEDA, FACEMIRE, JEFFRIES, PLYMALE,

ROMANO, STOLLINGS, SWOPE, UNGER AND CLINE

[Introduced February 28, 2017; Referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §31-20-27 of said code, all relating to creating incentives for the hiring
 3 and retention of Division of Corrections and Regional Jail Authority and Correctional
 4 Facility Authority correctional officers.

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; and that §31-20-27 of said 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; hourly rate increases; education and training.

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, but
 3 no meals or other emoluments of any kind shall be furnished, given or paid to the employee as
 4 all or part of their salary. The employees may be provided meals, household facilities and supplies
 5 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 an
 7 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 provided
 12 for the employees under the commissioner's jurisdiction shall be paid in the same manner as are
 13 those of other state employees and agencies and on a payment schedule set forth by the State
 14 Auditor.

15 (b) The Legislature finds that the Division of Corrections has extreme difficulty in recruiting
 16 and retaining correctional officers because of the necessity of the officers to work in prison
 17 environments, with inmates, and with parolees. Further, the Legislature finds that, the State of
 18 West Virginia has the lowest starting pay for these employees in the nation. Accordingly, the
 19 Legislature directs that the West Virginia Division of Personnel, effective July 1, 2017:

20 (1) Raise the starting hourly rate of correctional officers to \$11.80;

21 (2) Increase the hourly rate of correctional officers after graduation from the corrections
 22 academy and existing uniform officers up to and including the rank of captain, \$2.50 per hour;
 23 and

24 (3) Allow military police with corrections experience a starting hourly rate of \$12.80 for the
 25 first six months as a correctional officer.

26 (c) The commissioner shall offer an education incentive for correctional officers with at
 27 least four years of service. At the option of the officer, the commissioner shall pay for the officer's
 28 educational expenses in a field of study related to corrections, probation or law enforcement.

29 (d) The commissioner shall annually hold four all day correctional officers test preparation
 30 seminars on Saturdays in four different parts of the state.

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;
hourly rate increases; education and training.**

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, 2017, the West Virginia Division of Personnel shall:

6 (1) Raise the starting hourly rate of correctional officers to \$11.80;

7 (2) Increase the hourly rate of correctional officers after graduation from the corrections
8 academy and existing uniform officers up to and including the rank of captain \$2.50 per hour; and

9 (3) Allow military police with corrections experience a starting hourly rate of \$12.80 for the
10 first six months as a correctional officer.

11 All persons employed under this subsection shall be placed in the civil service system as
12 covered employees. On and after January 1, 2008, the Executive Director of the Regional Jail
13 and Correctional Facility Authority; all employees within the office of the executive director and all
14 regional jail administrators are exempt from coverage under the 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-
20 c 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) The executive director shall offer an education incentive for correctional officers with
29 at least four years of service. At the option of the officer, the commissioner shall pay for the
30 officer's educational expenses in a field of study related to corrections, probation or law

- 31 enforcement.
- 32 (e) The executive director shall annually hold four all day correctional officers test
- 33 preparation seminars on Saturdays in four different parts of the state.

NOTE: The purpose of this bill is to create incentives for the hiring and retention of correctional officers within the Division of Corrections and the Regional Jail Authority and Correctional Facility 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.