

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

Introduced

### Senate Bill 18

FISCAL  
NOTE

BY SENATORS OJEDA AND BEACH

[Introduced January 10, 2018; 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 and Correctional Facility  
 4 Authority correctional officers; providing pay increases; and providing educational  
 5 incentives.

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

## **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, 2018:

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 §29-6-5 of this code: Provided, That, effective July 1, 2018, the West Virginia  
 5 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 §29-6-5 of this code. All persons employed under this subsection shall  
18 also be covered by the policies and procedures of the West Virginia Public Employees Grievance  
19 Board created under §6C-3-1 of this code.

20 (c) Notwithstanding the provisions of §29-6-10 of this code, and any rule promulgated  
21 thereunder, on and after July 1, 2007, any person applying for employment with the Regional Jail  
22 and Correctional Facility Authority shall be hired based on passage of the correctional officer  
23 examination without regard to his or her position on the correctional officer register and shall be  
24 placed in the civil service system as covered employees: *Provided*, That no such person shall be  
25 hired before an otherwise qualified person on a preference register.

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

30 (e) The executive director shall annually hold four all day correctional officers test  
31 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. The bill provides pay increases educational incentives.

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