

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4805

FISCAL
NOTE

BY DELEGATES GRAVES AND HIGGINBOTHAM

[Introduced February 11, 2020; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §6C-4-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §6C-4-4, all relating to
 3 providing adequate opportunities for state employees to obtain continuing education
 4 credits for professional licenses and registrations; and requiring Division of Personnel to
 5 conduct rulemaking.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 4. COMPENSATION TO STATE EMPLOYEES FOR TRAINING,
 EDUCATION AND PROFESSIONAL DEVELOPMENT.**

§6C-4-3. Exemptions.

1 ~~(a) Except as provided in §6C-4-4 of this code,~~ the provisions of this article do not apply
 2 to:

3 (1) Training offered to a member of the West Virginia State Police during his or her
 4 participation in the West Virginia State Police Cadet Training Program in accordance with the
 5 provisions of §15-2-5(i) of this code;

6 (2) A member of the West Virginia National Guard; and

7 (3) Employees of the Legislature, the Supreme Court of Appeals, the Attorney General,
 8 the Secretary of State, the Auditor, the Treasurer and the Commissioner of Agriculture.

**§6C-4-4. Continuing education credits for state employees with professional licenses or
 registrations; rulemaking.**

1 (a) The Legislature finds:

2 (1) That programs for the training and education of state employees materially aid effective
 3 state administration, and public money spent on those programs serves an important public
 4 purpose; and

5 (2) It is beneficial to promote from within and so the state should encourage employees to
 6 maintain existing credentials and acquire new abilities.

7 (b) In accordance with rules promulgated under this section, a state agency shall provide
8 opportunities for training and education for its employees. The training or education must be
9 related to the duties of the employee.

10 (c)(1) The Division of Personnel shall propose rules for legislative approval in accordance
11 with the provisions of §29-3-1 et seq. of this code, for state agencies to use in providing adequate
12 opportunities for its employees to obtain continuing education credits at the expense of the agency
13 when the agency employs an individual who:

14 (A) Is required:

15 (i) As a part of his or her employment to maintain a professional license or registration;
16 and

17 (ii) As a condition of holding the license or registration, to meet periodic continuing
18 education requirements; or

19 (B) (i) Was hired with a specific credential;

20 (ii) Continuing professional education is required to maintain the credential; and

21 (iii) The credential is related to the employment even if not directly required for the position.

22 (2) The rules shall:

23 (A) Allow attendance at approved seminars or other training providing the education,
24 without the use of annual leave;

25 (B) Contain provisions to ensure that preference is given to online and instate training;

26 (C) Contain standards for considering relevancy of the training to the individual's
27 employment;

28 (D) Recognize that broadening the scope of the employee's areas of expertise is beneficial
29 to the state;

30 (E) Contain standards for considering timeliness of the training with regard to deadlines
31 established by the entity requiring the continuing education; and

32 (F) Contain a requirement for repayment by the employee of the cost of the training or

33 education if the employee does not stay in the employ of the agency for at least 12 months after
34 the date of the last non-required training or educational opportunity provided by the employing
35 agency.

36 (d) The Attorney General, the Secretary of State, the Auditor, the Treasurer and the
37 Commissioner of Agriculture are not exempt from this section or the rules promulgated under this
38 section.

NOTE: The purpose of this bill is to require state agencies to provide adequate opportunities for state employees to obtain continuing education credits for professional licenses and registrations. The bill requires the Division of Personnel to conduct rulemaking.

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