

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 522

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Originating in the Committee on Government

Organization; reported on February 11, 2022]

1 A BILL to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating
2 to combining the offices of the West Virginia State Americans with Disabilities Act Office
3 and the West Virginia Equal Employment Opportunity Office within the Department of
4 Administration; creating the position of State Equal Opportunity Coordinator; establishing
5 qualifications for the position; setting forth how the State Equal Opportunity Coordinator is
6 selected; outlining scope of responsibilities; removing the fee for service model and
7 associated fund; and making other technical changes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

**§5A-1-11. State Americans with disabilities coordinator State of West Virginia Office of
Equal Opportunity.**

1 (a) There is ~~continued~~ created within the Department of Administration the ~~position of the~~
2 ~~State Americans with Disabilities Coordinator~~ State of West Virginia Office of Equal Opportunity,
3 to be directed by the State Equal Opportunity Coordinator, who shall be appointed by the
4 Secretary of the Department of Administration. ~~with input from the chairperson from each of the~~
5 ~~following four councils:~~

- 6 ~~(1) The Developmental Disabilities Council;~~
- 7 ~~(2) The Statewide Independent Living Council;~~
- 8 ~~(3) The Mental Health Planning Council; and~~
- 9 ~~(4) The State Rehabilitation Council.~~

10 (b) The coordinator shall be a full-time employee and shall have an in-depth working
11 knowledge of the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964,
12 The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and
13 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and
14 the Genetic Information Nondiscrimination Act of 2008. The coordinator shall also have an in-
15 depth working knowledge of the challenges facing persons West Virginian minorities and those

16 living with disabilities and shall continually seek to update his or her understanding of such
17 challenges through further education and information gathering. ~~The coordinator may be a current~~
18 ~~employee of the Department of Administration or other state agency employee.~~

19 (c) The coordinator shall:

20 (1) Advise the Director of Personnel in the development of comprehensive policies and
21 programs for the development, implementation, and monitoring of a statewide program to assure
22 compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act, Title VII
23 of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment
24 Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the
25 Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008;

26 (2) Assist in the formulation of rules and standards relating to the review, investigation,
27 and resolution of complaints of discrimination in employment, education, housing, and public
28 accommodation;

29 (3) Consult and collaborate with state and federal agency officials ~~in the state plan~~
30 ~~development~~ to develop the statewide compliance program;

31 (4) Consult and collaborate with ~~agency Americans with disabilities officers~~ state agencies
32 on the federal Equal Employment Opportunity Act and Americans with Disabilities Act ~~on the~~
33 ~~appropriate~~ and provide training for managers and supervisors on regulations and related issues;

34 (5) Represent the state on local, state, and national committees and panels related to the
35 ~~Americans with disabilities~~ Disabilities Act and the Equal Employment Opportunity Act;

36 (6) Advise the Governor and agency heads on federal Americans with ~~disabilities issues~~
37 Disabilities Act and Equal Employment Opportunity Act issues;

38 (7) Consult with state equal employment opportunity officers on the hiring of persons with
39 disabilities; ~~and~~

40 (8) Be available to inspect and advise the leasing section of the Division of Purchasing on
41 all physical properties owned or leased by the State of West Virginia for compliance with 42 U.S.C.

42 §12101, *et seq.*, the federal Americans with Disabilities Act; and

43 ~~(d) (1) The Secretary of the Department of Administration may assess, charge and collect~~
44 ~~fees from each state spending unit which utilizes the services of the coordinator, for the direct~~
45 ~~costs and expenses incurred by the coordinator in providing those services. Costs and expenses~~
46 ~~include travel, materials, equipment and supplies. Moneys shall be collected through the Division~~
47 ~~of Finance.~~

48 ~~(2) A state spending unit shall agree in writing to all costs and expenses before the~~
49 ~~services by the Americans with Disabilities coordinator are rendered.~~

50 ~~(e) There is continued in the Department of Administration a special fund to be named the~~
51 ~~"Americans with Disabilities Coordinator Fund", which shall be an interest-bearing account and~~
52 ~~may be invested in accordance with the provisions of article six, chapter twelve of this code, with~~
53 ~~the interest income a proper credit to the fund. Funds paid into the account may be derived from~~
54 ~~the following sources:~~

55 ~~(1) All moneys received from state spending units for the costs and expenses incurred by~~
56 ~~the state Americans with Disabilities Coordinator for providing services related to the state's~~
57 ~~implementation and compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with~~
58 ~~Disabilities Act;~~

59 ~~(2) Any gifts, grants, bequests, transfers or donations which may be received from any~~
60 ~~governmental entity or unit or any person, firm, foundation or corporation; and~~

61 ~~(3) All interest or return on investment accruing to the fund.~~

62 ~~(f) Moneys in the fund are to be used for the costs and expenses incurred pursuant to this~~
63 ~~section. Any balance including accrued interest in this special fund at the end of any fiscal year~~
64 ~~shall not revert to the General Revenue Fund, but shall remain in the fund for use by the Secretary~~
65 ~~of the Department of Administration for providing additional Americans with Disabilities~~
66 ~~Coordinator services within the State of West Virginia in the ensuing fiscal years.~~

67 ~~(g) (9) The Secretary of the Department of Administration report Report annually on the~~

68 fund Office of Equal Opportunity to the Governor, President of the Senate, and Speaker of the
69 House of Delegates. ~~The report must be on CD-ROM or other electronic media and shall not be~~
70 ~~in print format.~~