

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 2895

FISCAL  
NOTE

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]

[Introduced January 20, 2023; Referred to the Committee  
on Jails and Prisons then Finance]

1 A BILL to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorizing the Commissioner of Corrections and Rehabilitation to grant a cost of living  
 3 stipend to correctional officers employed by the Division of Corrections and Rehabilitation;  
 4 providing that the cost of living stipend may be granted in an amount up to \$10,000 per  
 5 year at the discretion of the Commissioner; providing that the cost of living stipend shall not  
 6 be counted toward retirement, separation from employment, or other such benefits under  
 7 West Virginia law, rule, or regulation; and providing the Commissioner shall notify the  
 8 Governor and the Legislature of the facility and location where a stipend is granted, the  
 9 amount of the stipend, and the number of employees to receive the stipend within 30 days  
 10 of his or her decision.

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

**ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

**§15A-3-7. Compensation of employees; traveling and other expenses.**

1 (a) The commissioner shall, in accordance with the provisions of §29-6-1 et seq. of this  
 2 code, approve the salaries of all employees of the division. Salaries shall be commensurate with  
 3 their duties and responsibilities, ~~but no meals or other emoluments of any kind shall be furnished,~~  
 4 ~~given, or paid to the employee as all or part of their salary.~~ The employees may be provided meals,  
 5 household facilities, and supplies as may be necessary for them to perform their duties, if the  
 6 employees agree to pay the reasonable cost as established by the commissioner. In the event of  
 7 an emergency, such as a riot or other disturbance, the commissioner may authorize meals to 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 or  
 10 damaged by an inmate or resident. All persons employed under this article are entitled to be  
 11 reimbursed for necessary traveling and other expenses.

12 (b) In addition to any compensation approved pursuant to subsection (a), a correctional  
 13 officer employed by the West Virginia Division of Corrections and Rehabilitation may be provided a

14 cost of living stipend of up to \$10,000 per year. This stipend may be granted from available funds  
15 at the discretion of the Commissioner of Corrections and Rehabilitation at facilities where such  
16 stipend is determined to be necessary. The Commissioner shall review any stipends granted at  
17 least annually to determine ongoing necessity and shall make a written determination whether to  
18 continue or to terminate such stipend. Any stipend granted pursuant to this subsection shall not be  
19 counted toward any retirement or separation from employment payment or other benefit under any  
20 provision of West Virginia law, rule, or regulation.

21 (c) The Commissioner of Corrections and Rehabilitation shall notify the Governor and the  
22 Legislature in writing within 30 days of his or her decision to grant or rescind a stipend. Notice shall  
23 include the name and location of the facility, the annual amount of any stipend granted, and the  
24 total number of employees to receive the stipend.

NOTE: The purpose of this bill is to authorize the Commissioner of Corrections and Rehabilitation to grant cost of living stipends to correctional officers throughout the state, intended to offset increases in the cost of living where determined necessary by the Commissioner.

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