WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 213

By Senator Clements

[Originating in the Committee on Government Organization; reported on February 10, 2023]

A BILL to amend and reenact §30-29-8 of the Code of West Virginia, 1931, as amended, relating to responsibility for reimbursement of training costs of law-enforcement employees who leave original jurisdiction of employment for employment in another law-enforcement agency in this state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-8. Compensation for employees attending law-enforcement training academy; limitations; agreements to reimburse employers for wages and expenses of employees trained but not continuing employment.

(a) A West Virginia law-enforcement agency shall, and a governing board may, pay compensation to employees, including wages, salaries, benefits, tuition, and expenses~~,~~ for the employees’ attendance at a law-enforcement training academy. The compensation paid to the employees for such attendance may not include overtime compensation under the provisions of §21-5C-3 of this code and shall be at the regular rate to which each employee would be entitled for a workweek of 40 hours in regular employment with the employer.

(b) In consideration for such compensation, the governing board, hospital, county commission, or municipal government may require each employee to enter into a written agreement in advance of such attendance that obligates the employee to repay the employer if he or she voluntarily discontinues employment within one year immediately following completion of the training curriculum~~.~~: *Provided*, That, for employees of West Virginia law-enforcement agencies, the term “voluntarily discontinues employment” includes, but is not limited to, employees who voluntarily resign, and employees who leave the jurisdiction of their employment following the completion of their training for employment in any other law-enforcement agency within the state. The amount of repayment shall be a pro rata portion of the total compensation which is equal to the portion of the year which the employee chose not to remain employed.

(c) If a law-enforcement employee leaves the jurisdiction of his or her employment within one year immediately following completion of training for employment in any other law-enforcement agency within this state, the new jurisdiction is responsible for reimbursement of wages, salaries, benefits, tuition, and expenses paid by a West Virginia law-enforcement agency or governing board for the employee’s attendance at a law-enforcement training academy, with the reimbursement to be paid to the governing board, paid pro rata over a period of two years: *Provided*, That if the law-enforcement employee entered into a written agreement with his original employer pursuant to subsection (b) of this section, any amount that the officer repays his or her original employer shall be credited against the total reimbursement to be paid by the new jurisdiction under this subsection.

~~(c)~~ (d) As used in this section, “governing board” has the meaning ascribed in §18B-1-2 of this code.