

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 593

BY SENATORS BARRETT, RUCKER, AND MARONEY

[Originating in the Committee on Finance; reported on

February 27, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-5-7; to amend said code by adding thereto a new section, designated §15-
3 2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all
4 relating to mandating executive branch agencies, State Police, and county boards of
5 education develop and report an area market rate salary adjustment policy; stating
6 findings; directing state agencies, State Police, and county boards of education develop
7 and report an area market rate salary adjustment policy by certain date; establishing
8 mandatory terms to be included in policy; and providing that no private cause of action or
9 right to grievance arises from operation of the policy.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.

§5-5-7. Mandatory area market rate salary adjustment program; required provisions.

1 (a) The Legislature finds that:
2 (1) Certain areas of the state are experiencing higher economic growth and more rapid
3 increases in the costs of living when compared with other areas of the state;
4 (2) The state is losing valuable public employees in these areas because salaries and
5 benefits are not competitive with the salaries and benefits paid to employees of other entities,
6 including other state governments, the federal government, and private employers; and
7 (3) Salary adjustments are necessary and prudent to ensure all employees have a
8 standard of living that is uniform throughout the state.

9 (b) The Legislature hereby directs that all executive branch state agencies develop an
10 area market rate salary adjustment policy no later than July 1, 2025.

11 (c) Every area market rate salary adjustment policy shall, at a minimum, include:

12 (1) Criteria for the executive head of the agency to designate counties or areas within
13 counties to which any area market rate salary adjustment shall apply;

14 (2) Designation of the amount or range of increases that may be granted pursuant to the
15 policy and the positions to which the increases may apply;

16 (3) Provisions that the policy may not be construed to prohibit other pay increases based
17 on merit, seniority, promotion, or other reason, and further providing that any increase in
18 compensation pursuant to the area market rate salary adjustment policy shall be granted prior to
19 consideration of any other increases;

20 (4) Provisions that the policy may be applied to positions regardless of classification or
21 title;

22 (5) Provisions that if, following an increase in salary pursuant to the policy, an employee
23 will make more than the maximum allowable range established for the position classification by
24 statute, statutory schedule, or the West Virginia Division of Personnel, the increase shall still take
25 effect and the employee shall make more than the pay grade or classification maximum;

26 (6) Provisions for reduction or termination of any increase in an employee's salary if the
27 employee no longer qualifies for an increase under the terms of the policy;

28 (7) Provisions that the policy may not be construed to mandate an increase in the salary
29 of any elected or appointed officer of the state;

30 (8) Provisions that no right to grievance or private cause of action, either express or
31 implied, is created, may be inferred, or otherwise may arise from the provisions or enactment of
32 the policy; and

33 (9) Provisions that the policy shall be reviewed and updated annually.

34 (d) The policy mandated by this section shall be provided to the President of the Senate,
35 the Speaker of the House of Delegates, the Governor's Office, and the State Budget Office in
36 writing and electronically no later than September 1, 2023.

37 (e) It is the specific intent of the Legislature that no right to grievance or private cause of
38 action, either express or implied, is created or otherwise may arise from the provisions of this
39 section.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5a. Mandatory area market rate salary adjustment policy; required provisions.

1 The superintendent shall develop and report an area market rate salary adjustment policy
2 in accordance with the provisions of §5-5-7 of this code.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-5c. Mandatory area market rate salary adjustment policy; required provisions.

1 Each county board of education shall develop and report an area market rate salary
2 adjustment policy in accordance with the provisions of §5-5-7 of this code for professional and
3 service personnel.