

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 590**

BY SENATOR SWOPE

[Originating in the Committee on the Judiciary;

reported February 9, 2024]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §1-8-1, §1-8-2, §1-8-3, and §1-8-4, all relating to prohibiting political  
3 subdivisions from requiring private employers to pay employees a wage higher than that  
4 set by applicable state or federal law, establishing a locally based wage or employee  
5 benefit rate, or establishing work hours or scheduling requirements; defining terms;  
6 creating exceptions; voiding any prior actions of political subdivisions enacted prior to the  
7 effective date of this article; clarifying that the provisions of the article are inapplicable to  
8 the employees of a political subdivision; clarifying that nothing in the article prohibits  
9 political subdivisions from enforcing agreements voluntarily entered into by the parties  
10 prior to the effective date of this article; and clarifying that provisions of the article do not  
11 limit the ability of the political subdivisions to comply with statutes and policies related to  
12 drug and alcohol testing.

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

**ARTICLE 8. LIMITATIONS ON LABOR REGULATIONS BY POLITICAL SUBDIVISIONS.**

**§1-8-1. Short title.**

1 This article may be known and cited as the Political Subdivision Labor Regulatory  
2 Limitation Act.

**§1-8-2. Definitions.**

1 For purposes of this article:

2 "Political subdivision" means any county commission, municipality; any separate  
3 corporation or instrumentality established by one or more counties or municipalities, as permitted  
4 by law; any instrumentality supported in most part by municipalities; any public body charged by  
5 law with the performance of a government function and whose jurisdiction is coextensive with one  
6 or more counties, cities, or towns; a combined city-county health department created pursuant to  
7 §16-2-1 et seq. of this code; public service districts; and other instrumentalities including, but not  
8 limited to, volunteer fire departments and emergency services organizations as recognized by an

9 appropriate public body and authorized by law to perform a government function: *Provided*, That  
10 hospitals of a political subdivision and their employees are excluded from the provisions of this  
11 article.

**§1-8-3. Prohibited areas of regulation.**

1 A political subdivision may not adopt, enforce, or administer any ordinance, regulation,  
2 local policy, local resolution, or other legal requirement regarding any of the following specific  
3 areas:

4 (1) Requiring a private employer to pay to an employee a wage higher than any applicable  
5 state or federal law;

6 (2) Requiring a private employer to pay to an employee a wage or fringe benefit based on  
7 wage and fringe benefit rates prevailing in the locality;

8 (3) Requiring a private employer to provide to a private employee paid or unpaid leave  
9 time; or

10 (4) Regulating hours and scheduling that an employer is required to provide to employees.

**§1-8-4. Exceptions; applicability.**

1 (a)The provisions of this article do not prohibit a political subdivision from enforcing a  
2 written agreement voluntarily entered into and in effect prior to the effective date of this article.

3 (b) Any ordinance, regulation, local policy, or other legal requirement enacted or adopted  
4 prior to the effective date of this article, including those enacted or adopted pursuant to §8-1-5a  
5 of this code, that would be prohibited under §1-8-3 of this code is void upon the effective date of  
6 this article.

7 (c) The provisions of §1-8-3 of this code do not apply to the employees of a political  
8 subdivision.

9 (d) This article does not prohibit or limit a political subdivision from complying with the  
10 West Virginia Alcohol and Drug-Free Workplace Act, set forth in §21-1D-1 *et seq.* of this code, or  
11 otherwise require similar drug and alcohol policies and testing of a political subdivision's vendors.