WEST VIRGINIA CODE: §15-5-15B

§15-5-15b. Paid leave for certain state officers and employees during a declared state of emergency.

(a) Any state employee who is designated an essential member of an emergency aid provider may be granted leave from his or her state employment with pay, for not more than fifteen work days in each year, to provide disaster relief or emergency services in areas of the state in which a state of emergency has been declared. Leave shall be granted under this section upon: (1) Designation of the employee as an essential member by the chief executive officer or other officer or agent of the emergency aid provider who has authority to act on its behalf; and (2) approval of that employee's immediate supervisor. Leave shall be granted without loss of pay, annual leave, sick leave, earned overtime compensation, seniority or compensatory time. The state shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from his or her state employment. Any supervisor granting leave to an employee for purposes of participating in disaster relief or emergency services pursuant to this section shall make a report to the Governor which includes the name of the employee and the total cost, if any, to the employing agency attributable to the temporary replacement of the employee granted leave in the circumstance where replacement is necessary. The Governor shall keep a record of the total cost reported and in no event may the total cost for all state agencies exceed $300,000: Provided, That upon approval of the Governor and repayment of the cost to the employing agency, from the Civil Contingent Fund, leave may be granted in an excess of a total cost of $300,000.

(b) Notwithstanding the provisions of this section to the contrary, no person may be designated an essential member of an emergency aid provider for purposes of this section, if the person is employed by an emergency aid provider located in or that customarily serves an area included within the state of emergency.

(c) As used in this section:

(1) "Emergency aid provider" means a local organization for emergency services as defined by section two, article five, chapter fifteen of this code or a volunteer fire department that is providing emergency services during a state of emergency as a result of the circumstances that resulted in the declaration of the state of emergency;

(2) "Essential member" means a person designated by an emergency aid provider whose services are needed to provide emergency services due to the circumstances that resulted in the declaration of the state of emergency;

(3) "State of emergency" means the situation existing after the occurrence of a disaster or circumstance in which a state of emergency has been declared by the Governor or by the

WVLegislature.gov

Legislature pursuant to the provisions of section six of this article or in which a major disaster declaration or emergency declaration has been issued by the President of the United States.

WV Legislature