

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

HOUSE BILL No. 1360

(By Mr. Damon & Mr. Gray)



PASSED April 9. 1977

In Effect ninety days from Passage

ENROLLED

H. B. 1360

(By MR. DAMRON and MR. GVOYICH) ¹

[Passed April 9, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to deputy sheriffs; compensatory day off for required work on holidays; and prohibiting discharge of certain deputy sheriffs under certain conditions.

Be it enacted by the Legislature of West Virginia:

That section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

§7-7-7. County assistants, deputies and employees; their number and compensation; county budget.

1 The county clerk, circuit clerk, joint clerk of the
2 county commission and circuit court, if any, sheriff, county
3 assessor and prosecuting attorney, by and with the advice
4 and consent of the county commission, may appoint and em-
5 ploy, to assist them in the discharge of their official duties for
6 and during their respective terms of office, assistants, deputies
7 and employees.

8 The county clerk, circuit clerk, joint clerk of the county
9 commission and circuit court, if any, sheriff, county assessor

10 and prosecuting attorney shall, prior to March second of each
11 year, file with the county commission a detailed request for
12 appropriations for anticipated or expected expenditures for
13 their respective offices, including the compensation for their
14 assistants, deputies and employees, for the ensuing fiscal year.

15 Any deputy sheriff who is required to work on a holiday as
16 observed by county employees generally shall be compensated
17 for such time by being given a substitute day off.

18 The county commission shall, prior to March twenty-ninth
19 of each year by order fix the total amount of money to be
20 expended by the county for the ensuing fiscal year, which
21 amount shall include the compensation of county assistants,
22 deputies and employees. Each county commission shall enter its
23 order upon its county commission record.

24 The county clerk, circuit clerk, joint clerk of the county
25 commission and circuit court, if any, sheriff, county assessor
26 and prosecuting attorney shall then fix the compensation of
27 their assistants, deputies and employees based on the total
28 amount of money designated for expenditure by their respec-
29 tive offices by the county commission and the amount so ex-
30 pended shall not exceed the total expenditure designated by the
31 county commission for each office.

32 The county officials, in fixing the individual compensation
33 of their assistants, deputies and employees and the county
34 commission in fixing the total amount of money to be expended
35 by the county, shall give due consideration to the duties, re-
36 sponsibilities and work required of the assistants, deputies and
37 employees and their compensation shall be reasonable and
38 proper.

39 After the county commission has fixed the total amount of
40 money to be expended by the county for the ensuing fiscal
41 year and after each county official has fixed the compensation
42 of each of his assistants, deputies and employees, as provided
43 in this section, each county official shall file prior to June
44 thirtieth, with the clerk of the county commission a budget
45 statement for the ensuing fiscal year setting forth the name, or
46 the position designation if then vacant, of each of his assis-
47 tants, deputies and employees, the period of time for which

48 each is employed, or to be employed if the position is then
49 vacant, and his monthly or semimonthly compensation.

50 All budget statements required to be filed by this section
51 shall be verified by an affidavit by the county official making
52 them. Among other things contained in the affidavit shall be
53 the statement that the amounts shown therein are the amounts
54 actually paid or intended to be paid to the assistants, deputies
55 and employees without rebate, and without any agreement,
56 understanding or expectation that any part thereof shall be re-
57 paid to him, and that, prior to the time the affidavit is made,
58 nothing has been paid or promised him on that account, and
59 that if he shall thereafter receive any money, or thing of value,
60 on account thereof, he will account for and pay the same to the
61 county. Until the statements required by this section have been
62 filed, no allowance or payments shall be made to any county
63 official or their assistants, deputies and employees.

64 Each county official named in this section shall have the
65 authority to discharge any of his assistants, deputies or em-
66 ployees by filing with the clerk of the county commission a
67 discharge statement specifying the discharge action: *Provided,*
68 That no deputy sheriff appointed pursuant to the provisions
69 of article fourteen, chapter seven of this code shall be dis-
70 charged contrary to the provisions of that article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Chustia Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Dillon Jr.
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. B. ...
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 26
day of April, 1977.

John D. Ralston
Governor

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APR 18 4 09 PM '77
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 26, 1977
Time 3:35 p.m.

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OFFICE
SECY. OF STATE