

Verb-1252

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



# ENROLLED

HOUSE BILL No. 1252

(By ~~Mr.~~ Del Murensky & Del. E Martin)



Passed ..... March 8, ..... 1986

In Effect ..... July 1, 1986 ..... ~~Passage~~

**ENROLLED**  
**H. B. 1252**

(By DELEGATE MURENSKY and DELEGATE E. MARTIN)

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[Passed March 8, 1986; in effect July 1, 1986.]

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AN ACT to amend and reenact sections one and two, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to granting state employees incremental salary increases up to a specified maximum amount, definitions specifically providing for magistrate court clerks, deputy clerks and magistrate assistants to be eligible for the incremental salary increases even though their maximum compensation is set by statute and providing for such incremental salary increases to be in addition to otherwise maximum statutorily set compensation and definitions providing for any part-year of employee service to be dropped in arriving at full-years of total service only after final total is computed, where an employee has worked for more than one state employer; and requiring incremental salary increases to be payable prorata as a part of and within each of the state employee's respective pay periods throughout the year and after rendition of services.

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

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

**ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.**

**§5-5-1. Definitions.**

1 For the purposes of this article: (1) "Eligible em-  
2 ployee" means any regular full-time employee of the  
3 state or any spending unit thereof who is eligible for  
4 membership in any state retirement system of the state  
5 of West Virginia or other retirement plan authorized by  
6 the state: *Provided*, That the mandatory salary increase  
7 required by this article shall not apply to any faculty  
8 employee at public institutions of higher learning or any  
9 employee of the state whose compensation is fixed by  
10 statute or by statutory schedule, (except that the clerks,  
11 deputy clerks and magistrate assistants of magistrate  
12 courts shall be eligible for the incremental salary  
13 increases provided in this article and with such  
14 increases to be allowable in addition to the maximum  
15 salaries and compensation for such employee offices  
16 under the magistrate court system statutes of article  
17 one, chapter fifty of the code), nor shall this article be  
18 construed to mandate an increase in the salary of any  
19 elected or appointed officer of the state; (2) "years of  
20 service" means full years of totaled service as an  
21 employee of the state of West Virginia; (3) "spending  
22 unit" means any state office, department, agency, board,  
23 commission, institution, bureau or other designated  
24 body authorized to hire employees.

**§5-5-2. Granting incremental salary increases based on  
years of service and making same payable as  
part of respective pay periods.**

1 Effective for the fiscal year beginning the first day  
2 of July, one thousand nine hundred eighty-five, every  
3 eligible employee with three or more years of service  
4 shall receive an annual salary increase equal to thirty-  
5 six dollars times the employees' years of service, not to  
6 exceed twenty years of service. In each fiscal year  
7 thereafter and on the first day thereof, each such  
8 employee shall receive an annual increment increase of  
9 thirty-six dollars for such fiscal year: *Provided*, That  
10 every employee becoming newly eligible as a result of  
11 meeting the three years of service minimum require-  
12 ment on the first day of July in any fiscal year  
13 subsequent to one thousand nine hundred eighty-five,  
14 shall be entitled to the annual salary increase equal to

15 the aforesaid thirty-six dollars times the employee's  
16 years of service, where he has not theretofore received  
17 the benefit of any such increment computation; and shall  
18 receive a single annual increment increase thereafter of  
19 thirty-six dollars for each such subsequent fiscal year up  
20 to the maximum of twenty years of service. These  
21 incremental increases shall be in addition to any across-  
22 the-board, cost-of-living or percentage salary increases  
23 which may be granted in any fiscal year by the  
24 Legislature, and shall be payable throughout the year  
25 prorata as a part of each of the state employee's  
26 respective pay periods. This article shall not be  
27 construed to prohibit other pay increases based on  
28 merit, seniority, promotion or other reason, if funds are  
29 available for such other pay increases: *Provided,*  
30 *however,* That the executive head of each spending unit  
31 shall first grant the herein mandated increase in  
32 compensation to all eligible employees prior to the  
33 consideration of any increases based on merit, seniority,  
34 promotion or other reason.

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

*Bruce O. Williams*  
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Chairman Senate Committee

*Floyd Fuller*  
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Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

*Todd C. Mullis*  
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Clerk of the Senate

*Donald G. Koop*  
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Clerk of the House of Delegates

*Don Tonkonil*  
-----  
President of the Senate

*Joseph P. Allright*  
-----  
Speaker of the House of Delegates

The within *disapproved* this the *26th*  
day of *March*, 1986.

*Arthur A. Shouse Jr.*  
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Governor

PRESENTED TO THE  
GOVERNOR

Date 3/21/86

Time 4:44 p.m.

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DEPARTMENT OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
WEST WASHINGTON

THIS DATE 3/26/86