

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

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ENROLLED
Com. Sub. for Com. Sub. for
SENATE BILL NO. 290

(By Senator *Wiedekusck, et al*)

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PASSED March 2, 1992
In Effect 90 days from Passage

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SECRETARY OF STATE

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FOR

Senate Bill No. 290

(SENATORS WIEDEBUSCH, MACNAUGHTAN, BLATNIK,
CHERNENKO AND BAILEY, *original sponsors*)

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to amend article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-one; and to amend article twenty, chapter thirty-one of said code by adding thereto a new section, designated section twenty-seven, relating to displaced correctional employees and other facilities; county and state correctional officers; priority for employment upon closure of facilities; requirements for eligibility for transfer; specifying employment conditions, promulgation of rules; and establishment of hiring list for certain facilities.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section,

designated section twenty-one; and that article twenty, chapter thirty-one of said code be amended by adding thereto a new section, designated section twenty-seven, to read as follows:

CHAPTER 25. DIVISION OF CORRECTIONS.

ARTICLE 1. ORGANIZATION AND INSTITUTIONS.

§25-1-21. Employment of displaced correctional employees at other facilities.

1 (a) Notwithstanding any provisions of this code to
2 the contrary, any person not a temporary or proba-
3 tionary employee employed at the West Virginia
4 penitentiary at Moundsville at the time of its closing
5 shall be afforded the opportunity to transfer duty
6 stations to the West Virginia penitentiary at Mount
7 Olive, the West Virginia medium security prison at
8 Huttonsville or the northern regional jail and correc-
9 tional complex at Moundsville if he or she is an
10 employee in good standing at the time the facility is
11 closed. Any person so transferred shall retain his or
12 her rank or classified service classification, salary and
13 benefits. The commissioner shall promulgate rules
14 pursuant to chapter twenty-nine-a of this code, to
15 effectuate notice and procedures for said transfers:
16 *Provided*, That the commissioner shall have the
17 authority to, upon consideration of an employee's age
18 and length of service, direct an employee's transfer to
19 one of the three facilities based on staff requirements.

20 (b) The commissioner shall, within thirty days of the
21 closing of the West Virginia penitentiary at Mounds-
22 ville, establish and maintain, for a period of two years,
23 a list of all correctional officers who are eligible for
24 transfer pursuant to subsection (a) of this section and
25 who wish to remain eligible for a two-year period for
26 transfer to the Mount Olive correctional complex, or
27 the Huttonsville correctional center or the northern
28 jail and correctional complex at Moundsville. The
29 commissioner shall give priority to any person on the
30 list for employment in an available position equivalent
31 to the position that person held at the penitentiary
32 unless the commissioner determines that that person

33 is physically or mentally unfit for the employment:
34 *Provided*, That the commissioner has the authority to
35 transfer a correctional officer to any of the three
36 facilities based upon his or her determination of staff
37 requirements.

CHAPTER 31. CORPORATIONS.

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-27. Correctional officers; regional jails; priority of hiring.

1 (a) Notwithstanding any provision of this code to the
2 contrary, the authority, when employing correctional
3 officers to complete the approved staffing plan of a
4 regional jail completed after the effective date of this
5 section, shall employ any correctional officer applying
6 for a position as a correctional officer at a regional jail
7 who was employed in good standing at a county jail
8 facility in the region at the time of its closing or at a
9 prison facility operated by the division of corrections:
10 *Provided*, That the regional jail is located within the
11 same region as the prison facility that was closed due
12 to relocation of the prison facility to a site outside the
13 region. Only those correctional officers, who are
14 employees in good standing at the time the prison
15 facility is closed, are eligible for transfer under the
16 provisions of this subsection. Correctional officers,
17 employed under the provisions of this subsection, shall
18 be employed at a salary and with benefits consistent
19 with the approved plan of compensation of the division
20 of personnel, created under section five, article six,
21 chapter twenty-nine of this code. All correctional
22 officers employed under this subsection shall also be
23 covered by the policies and procedures of the educa-
24 tion and state employees grievance board, created
25 under section five, article six-a, chapter twenty-nine of
26 this code and the classified-exempt service protection
27 policies of the division of personnel; and

28 (b) The authority shall, when employing correctional
29 officers to fill positions within the approved staffing
30 plan of any regional jail, employ any correctional

31 officer applying for a position as a correctional officer
32 at a regional jail who was previously employed as a
33 correctional officer in good standing at any local jail
34 facility: *Provided*, That the local jail facility is located
35 within the same region as the regional jail at the time
36 of the local jail facility's closing or reduction in size
37 and was reduced in size or closed prior to or due to the
38 completion of the regional jail within the region.
39 Correctional officers, employed under the provisions
40 of this subsection, shall be employed at a salary and
41 with benefits consistent with the approved plan of
42 compensation of the division of personnel, created
43 under section five, article six, chapter twenty-nine of
44 this code. Only those county correctional officers who
45 are employees in good standing at the time the local
46 jail facility is closed are eligible for transfer under the
47 provisions of this subsection. All correctional officers
48 employed under this subsection shall also be covered
49 by the policies and procedures of the education and
50 state employees grievance board created under section
51 five, article six-a, chapter twenty-nine of this code and
52 the classified-exempt service protection of the division
53 of personnel.

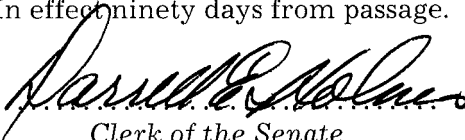
The Joint Committee on Enrolled Bills hereby certifies
that the foregoing bill is correctly enrolled:


.....
Chairman Senate Committee

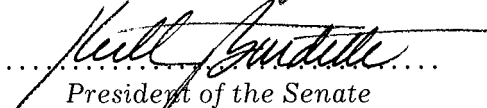

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

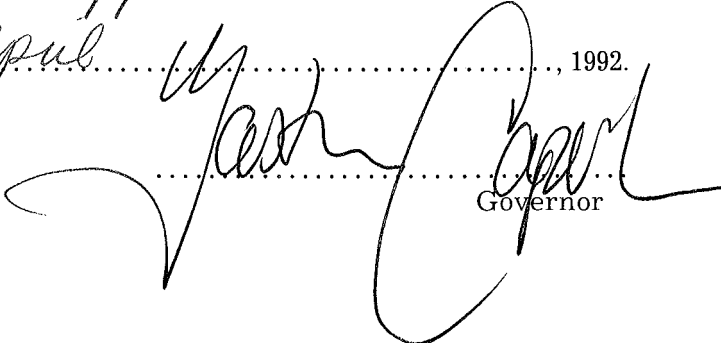

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this the *1st*
day of *April*, 1992.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/92

Time 3:30pm