WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED
SENATE BILL NO. 290

(By Senator Wildebusch, et al.)

PASSED March 7, 1992
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
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.


(a) Notwithstanding any provisions of this code to the contrary, any person not a temporary or probationary employee employed at the West Virginia penitentiary at Moundsville at the time of its closing shall be afforded the opportunity to transfer duty stations to the West Virginia penitentiary at Mount Olive, the West Virginia medium security prison at Huttonsville or the northern regional jail and correctional complex at Moundsville if he or she is an employee in good standing at the time the facility is closed. Any person so transferred shall retain his or her rank or classified service classification, salary and benefits. The commissioner shall promulgate rules pursuant to chapter twenty-nine-a of this code, to effectuate notice and procedures for said transfers: Provided, That the commissioner shall have the authority to, upon consideration of an employee’s age and length of service, direct an employee’s transfer to one of the three facilities based on staff requirements.

(b) The commissioner shall, within thirty days of the closing of the West Virginia penitentiary at Moundsville, establish and maintain, for a period of two years, a list of all correctional officers who are eligible for transfer pursuant to subsection (a) of this section and who wish to remain eligible for a two-year period for transfer to the Mount Olive correctional complex, or the Huttonsville correctional center or the northern jail and correctional complex at Moundsville. The commissioner shall give priority to any person on the list for employment in an available position equivalent to the position that person held at the penitentiary unless the commissioner determines that that person
is physically or mentally unfit for the employment:

Provided, That the commissioner has the authority to transfer a correctional officer to any of the three facilities based upon his or her determination of staff 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 contrary, the authority, when employing correctional officers to complete the approved staffing plan of a regional jail completed after the effective date of this section, shall employ any correctional officer applying for a position as a correctional officer at a regional jail who was employed in good standing at a county jail facility in the region at the time of its closing or at a prison facility operated by the division of corrections:

Provided, That the regional jail is located within the same region as the prison facility that was closed due to relocation of the prison facility to a site outside the region. Only those correctional officers, who are employees in good standing at the time the prison facility is closed, are eligible for transfer under the provisions of this subsection. Correctional officers, employed under the provisions of this subsection, shall be employed at a salary and with benefits consistent with the approved plan of compensation of the division of personnel, created under section five, article six, chapter twenty-nine of this code. All correctional officers employed under this subsection shall also be covered by the policies and procedures of the education and state employees grievance board, created under section five, article six-a, chapter twenty-nine of this code and the classified-exempt service protection policies of the division of personnel; and

(b) The authority shall, when employing correctional officers to fill positions within the approved staffing plan of any regional jail, employ any correctional
officer applying for a position as a correctional officer at a regional jail who was previously employed as a correctional officer in good standing at any local jail facility: Provided, That the local jail facility is located within the same region as the regional jail at the time of the local jail facility's closing or reduction in size and was reduced in size or closed prior to or due to the completion of the regional jail within the region. Correctional officers, employed under the provisions of this subsection, shall be employed at a salary and with benefits consistent with the approved plan of compensation of the division of personnel, created under section five, article six, chapter twenty-nine of this code. Only those county correctional officers who are employees in good standing at the time the local jail facility is closed are eligible for transfer under the provisions of this subsection. All correctional officers employed under this subsection shall also be covered by the policies and procedures of the education and state employees grievance board created under section five, article six-a, chapter twenty-nine of this code and the classified-exempt service protection of the division of personnel.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled:

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor