WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

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ENROLLED

House Bill No. 4035

(By Delegate Stemple)

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Passed March 11, 2000

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; and to amend article fourteen by adding thereto a new section, designated section seventeen-e, all relating to compensating deputy sheriffs for required work during holidays.

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; and that article fourteen of said chapter be amended by adding thereto a new section, designated section seventeen-e, 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 county commission and circuit court, if any, sheriff, county assessor
and prosecuting attorney, by and with the advice and consent of
the county commission, may appoint and employ, to assist them
in the discharge of their official duties for and during their
respective terms of office, assistants, deputies and employees.
The county clerk may designate one or more of his or her
assistants as responsible for all probate matters.

The county clerk, circuit clerk, joint clerk of the county
commission and circuit court, if any, sheriff, county assessor
and prosecuting attorney shall, prior to the second day of March
of each year, file with the county commission a detailed request
for appropriations for anticipated or expected expenditures for
their respective offices, including the compensation for their
assistants, deputies and employees, for the ensuing fiscal year.

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

The county clerk, circuit clerk, joint clerk of the county
commission and circuit court, if any, sheriff, county assessor
and prosecuting attorney shall then fix the compensation of
their assistants, deputies and employees based on the total
amount of money designated for expenditure by their respective
offices by the county commission and the amount expended
shall not exceed the total expenditure designated by the county
commission for each office.

The county officials, in fixing the individual compensation
of their assistants, deputies and employees and the county
commission in fixing the total amount of money to be expended
by the county, shall give due consideration to the duties,
responsibilities and work required of the assistants, deputies
and employees and their compensation shall be reasonable and
proper.
After the county commission has fixed the total amount of money to be expended by the county for the ensuing fiscal year and after each county official has fixed the compensation of each of his or her assistants, deputies and employees, as provided in this section, each county official shall file prior to the thirtieth day of June, with the clerk of the county commission, a budget statement for the ensuing fiscal year setting forth the name, or the position designation if then vacant, of each of his or her assistants, deputies and employees, the period of time for which each is employed, or to be employed if the position is then vacant, and his or her monthly or semimonthly compensation.

All budget statements required to be filed by this section shall be verified by an affidavit by the county official making them. Among other things contained in the affidavit shall be the statement that the amounts shown in the budget statement are the amounts actually paid or intended to be paid to the assistants, deputies and employees without rebate, and without any agreement, understanding or expectation that any part thereof shall be repaid to him or her, and that, prior to the time the affidavit is made, nothing has been paid or promised him or her on that account, and that if he or she shall thereafter receive any money, or thing of value, on account thereof, he or she will account for and pay the same to the county. Until the statements required by this section have been filed, no allowance or payments shall be made to any county official or their assistants, deputies and employees.

Each county official named in this section shall have the authority to discharge any of his or her assistants, deputies or employees by filing with the clerk of the county commission a discharge statement specifying the discharge action: Provided, that no deputy sheriff appointed pursuant to the provisions of article fourteen, chapter seven of this code, shall be discharged contrary to the provisions of that article."
ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-17e. Deputy sheriffs who are required to work during holidays; how compensated.

From the effective date of this section, if any deputy sheriff is required to work during a legal holiday as specified in section one, article two, chapter two of this code, or if a legal holiday falls on the deputy sheriff’s regular scheduled day off, the sheriff shall decide either that, the deputy sheriff shall be allowed equal time off at a time approved by the sheriff under whom the deputy sheriff serves, or in the alternative, shall be paid at a rate not less than one and one-half times the deputy sheriff’s regular rate of pay.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Originating in the House.

In effect ninety days from passage.

The within ______ day of ______, 2000.