FILED
2014 MAR 31 P 8: 07

OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2014

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 4254

(By Delegates Armstead, Mr. Speaker (Mr. Miley) Ashley, Cadle, Westfall, McCuskey, Butler, Manchin, Walters, Boggs and E. Nelson)

Passed March 7, 2014

In effect from passage.



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4254

(BY DELEGATES ARMSTEAD, MR. SPEAKER (MR. MILEY).

ASHLEY, CADLE, WESTFALL, MCCUSKEY, BUTLER, MANCHIN,

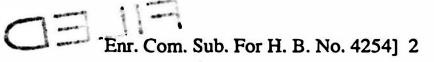
WALTERS, BOGGS AND E. NELSON)

[Passed March 7, 2014; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-15b, relating to providing that certain state employees may be granted a leave of absence with pay while providing assistance as an essential member of an emergency aid provider during a declared state of emergency.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §15-5-15b, to read as follows:



ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-15b. Paid leave for certain state officers and employees during a declared state of emergency.

1 (a) Any state employee who is designated an essential 2 member of an emergency aid provider may be granted leave 3 from his or her state employment with pay, for not more than 4 fifteen work days in each year, to provide disaster relief or 5 emergency services in areas of the state in which a state of 6 emergency has been declared. Leave shall be granted under this 7 section upon: (1) Designation of the employee as an essential 8 member by the chief executive officer or other officer or agent 9 of the emergency aid provider who has authority to act on its 10 behalf; and (2) approval of that employee's immediate supervisor. Leave shall be granted without loss of pay, annual 11 12 leave, sick leave, earned overtime compensation, seniority or 13 compensatory time. The state shall compensate an employee granted leave under this section at the employee's regular rate of 15 pay for those regular work hours during which the employee is 16 absent from his or her state employment. Any supervisor 17 granting leave to an employee for purposes of participating in 18 disaster relief or emergency services pursuant to this section 19 shall make a report to the Governor which includes the name of 20 the employee and the total cost, if any, to the employing agency 21 attributable to the temporary replacement of the employee 22 granted leave in the circumstance where replacement is 23 necessary. The Governor shall keep a record of the total cost 24 reported and in no event may the total cost for all state agencies 25 exceed \$300.000: *Provided*, That upon approval of the Governor 26 and repayment of the cost to the employing agency, from the 27 Civil Contingent Fund, leave may be granted in an excess of a total cost of \$300,000. 28

29 (b) Notwithstanding the provisions of this section to the 30 contrary, no person may be designated an essential member of 31 an emergency aid provider for purposes of this section, if the

- 32 person is employed by an emergency aid provider located in or
- 33 that customarily serves an area included within the state of
- 34 emergency.
- 35 (c) As used in this section:
- (1) "Emergency aid provider" means a local organization for emergency services as defined by section two, article five, chapter fifteen of this code or a volunteer fire department that is providing emergency services during a state of emergency as a result of the circumstances that resulted in the declaration of the state of emergency;
- 42 (2) "Essential member" means a person designated by an 43 emergency aid provider whose services are needed to provide 44 emergency services due to the circumstances that resulted in the 45 declaration of the state of emergency;
- 46 (3) "State of emergency" means the situation existing after 47 the occurrence of a disaster or circumstance in which a state of 48 emergency has been declared by the Governor or by the 49 Legislature pursuant to the provisions of section six of this 50 article or in which a major disaster declaration or emergency 51 declaration has been issued by the President of the United States.
- 52 (d) The provisions of this section enacted during 2014 53 regular session of the Legislature shall be in effect retroactive to 54 January 1, 2014.

5 [Enr. Com. Sub. For H. B. No. 4254

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

Chairman, House Committee de Committee Originating in the House. In effect from passage. Clerk of the House of Delegates Clerk of th House of Delegates of the Senate The within wind disapproved this the 3kt day of _ __, 2014.

PRESENTED TO THE GOVERNOR

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Time