



2015 Weekly Legislative E-Briefing

WEST VIRGINIA CHAMBER OF COMMERCE

January 6, 2015
Chamber Policy
Positions for 2015
Legislative Session

REGISTER NOW!

WEST VIRGINIA CHAMBER
THE **VOICE**
2015 LEGISLATIVE KICK-OFF
OF BUSINESS IN WEST VIRGINIA

CONNECT | ADVOCATE | GROW

Join with business leaders from across the state on the eve of the convening of the 1st Regular Session of the 82nd Legislature to network with the members of the West Virginia Legislature.

Tuesday, January 13, 2015
5:30-7:30 pm

Reception with special hors d'oeuvre buffet
Charleston Town Center Marriott

\$95 member
\$145 non-members

REGISTER TODAY
at wvchamber.com
or 304.342.1115

Our Thanks to these
Legislative Kick-Off Event Sponsors

Diamond
noble energy

Platinum
JACKSON KELLY ATTORNEYS AT LAW PLLC
Brickstreet FINANCIAL

Gold
CONSOL ENERGY
AMERICA'S ENERGY STARTS HERE

Silver
ST
S&J CAPITOL CONCEPTS, LLC
A Division of S&J Capital LLC

Bronze
FirstEnergy
TOYOTA



2015 West Virginia Legislature

New Majority Party Leadership Team

State Senate
President
Bill Cole

Majority Leader
Mitch Carmichael

Finance
Mike Hall

Judiciary
Charlie Trump

Education
Dave Sypolt

Energy, Industry &
Mining
Jeff Mullins

Government Organization
Craig Blair

House of Delegates
Speaker
Tim Armstead

CLICK HERE TO REGISTER

2015 Legislative Session WV Chamber's Policy Positions

This series of Legislative E-Briefings are designed to give Chamber members an advance look at the Chamber's Policy Positions for the upcoming 60-day legislative session that begins on Wednesday, January 14.

You can review the comprehensive position papers by [clicking here](#)



WV Chamber's 2015 Policy Positions Human Resources

- **WV Wage Payment & Collection Act (WVWPCA)** - Currently, the WVWPCA requires that employers (person, firm, partnership or corporation) pay a discharged person's wages in full within four business days of termination. This statute puts an especially heavy burden on small or family owned businesses without human resources departments. Any employer who violates the law, even by a matter of hours, is subject to liquidated damages equal to three times the amount of wages owed. The Chamber supports legislation to amend the WVWPCA to allow an employer to pay the final wages in full no later than the next regular payday. This change would simplify the requirements for employers to pay all employees who leave employment regardless of whether they were terminated, laid off or resigned.
- **Unmitigated or Flat Front Pay Awards** - West Virginia remains the **only state** that permits both an unmitigated or front pay award and punitive damages in employment discharge cases. This creates a windfall for plaintiffs and lawyers, while putting our state and businesses at a competitive disadvantage with other states. West Virginia's unique type of additional damage does not require the litigant to make an effort to mitigate their damages by sincerely looking for a comparable job or accepting an offer of reinstatement or comparable work. Furthermore, if the jury finds malice, the plaintiff can be awarded unmitigated or flat front pay for life ... even if the plaintiff finds

Majority Leader
Daryl Cowles

Finance
Eric Nelson

Judiciary
John Schott

Education
Amanda Pasdon

Energy
Woody Ireland

Government Organization
Gary Howell

Health
Joe Ellington

2015 Legislative Schedule

Session Convenes
Wednesday, January
14

**Last day to introduce
bills in both Houses**
Monday, February 23

**Bills due out of
committees**
Sunday, March 1

**Last day to consider
bill on 3rd Reading
(passage stage)**
Wednesday, March 4

Session Adjourns
Saturday, March 14

comparable employment. This is the result of a West Virginia Supreme Court case and has been re-affirmed in three subsequent cases. To change this situation requires a legislative solution much like what occurred several years ago with West Virginia's medical malpractice law. The Court's decision penalizes employers twice (unmitigated front pay & punitive damages) for the same action. The Chamber supports legislation that: (1) makes it clear an employee has a duty to mitigate economic damages; (2) puts a statutory limitation that prohibits unmitigated or flat pay; (3) prohibits or caps front pay; (4) prohibits or caps punitive damages and, (5) prohibits damages for an employee who quits absent physical assault by the employer..

- **Drug-Free Workplace Act** - According to the U.S. Centers for Disease Control, West Virginians are more likely to die from drug overdoses than in any other state. WV employers have a strong interest in creating a drug-free workplace. Passage of a Drug-Free Workplace Act will allow West Virginia's employers to better manage the problems associated with employee substance abuse. The Act will also provide employees with safeguards in the administration of drug testing programs.
- **Personnel Records** - The Chamber opposes legislation requiring private employers to give current or former employees access to their personnel records. Such legislation would be cumbersome and duplicative of more specific ways available to employees. Passage of personnel records legislation would interfere with the employer/employee relationship and impose an additional cost of doing business in the state.
- **Workplace Bullying** - The Chamber opposes bullying legislation because it would subject employers to liability for ill-defined, subjective perceptions of inappropriate behavior and would impose an additional cost of doing business in the state. To-date, **no state** has passed a workplace anti-bullying statute.
- **Substance Abuse Rehabilitation & the Workplace** - The Chamber opposes legislation that would prevent employers from discharging employees who test positive for drugs or alcohol, and instead would mandate employers find alternate jobs for such employees. The Chamber also believes the proposed legislation would conflict with several current federal and state laws. Also, passage of the bill would be a tremendous cost to employers,
- **Unemployment Coverage Gap "Worksharing"** - The Chamber opposes adopting any legislation that would grant

unemployment benefits to employees who have received a reduction in hours. West Virginia already provides partial unemployment benefits to workers whose hours are reduced, and the amount of benefits is based on their reduction in earnings. In contrast, "worksharing" benefits are based on the number of hours worked and partial benefit formulas look at the worker's earnings. These benefits are paid even if the an unemployed worker has found short-term work while looking for a full-time job. Given the solvency of the West Virginia Unemployment Compensation Trust Fund and our improved unemployment rate, passage of a "worksharing" program is not necessary or appropriate in West Virginia.

- **Employee Non-Discrimination Act (ENDA)** - Passage of ENDA legislation in West Virginia would add "sexual orientation" and/or "gender identity to the West Virginia Human Rights Act's list of protected classes. The Chamber has long supported diversity in our state's workplaces, but until ENDA is decided by the federal government, the Chamber urges the Legislature to delay action on such legislation.

[Click here](#) for a comprehensive review of **ALL** the 2015 Position Papers.

West Virginia Chamber of Commerce
1624 Kanawha Blvd, East
Charleston, WV 25311
(304) 342-1115
wvchamber.com

[Forward email](#)



This email was sent to bdayton@wvchamber.com by forjobs@wvchamber.com | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



West Virginia Chamber of Commerce | 1624 Kanawha Blvd. East | Charleston | WV | 25301