

H. B. 2682

(By Delegates Caputo and D. Poling)
[Introduced January 20, 2011; referred to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §15-2-5a, relating to
compensating state troopers for off-duty time when they are
required to be on standby to be called back to work.

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 §15-2-5a, to read as
follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5a. Compensation for call-back time.

(a) Any time that the West Virginia State Police requires a
State Police Officer (inclusive of the ranks of trooper to
sergeant) during their off-duty hours, to be restricted as to where
he or she may go, or what he or she may do in order that he or she
may quickly return to duty, the officer shall be paid the minimum

1 wage as determined in section two, article fifteen-c, chapter
2 twenty-one of this code for every hour which he or she is on call.
3 This code section pertains to nonexempt State Police Officers as
4 defined under the Fair Labor Standards Act (FLSA). This pay is not
5 subject to retirement deduction or used in retirement annuity
6 calculations.

7 (b) State Police Officers who are off-duty and called back to
8 work by the West Virginia State Police or required to appear in
9 court, shall be guaranteed a minimum of two hours' work or actual
10 hours worked, whichever is greater.

NOTE: The purpose of this bill is to compensate state troopers for off-duty time when they are required to be on standby to be called back to work.

§15-2-5a has been completely rewritten; therefore, it has been completely underscored.