

H. B. 2779

(By Delegates Caputo, D. Poling, Boggs, Mahan,
Guthrie, Walker, Crosier and T. Campbell)

[Introduced January 24, 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 West Virginia State Police receiving on-call and off-duty pay; providing for the State Police to be paid minimum wage for every hour on-call; and guaranteeing a minimum of two hours pay to State Police when called to duty off hours.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5a. On-call and off-duty compensation.

(a) When any member of the West Virginia State Police is required to be on-call during off-duty hours and the activities of that member are restricted during the on-call time period to allow rapid response to a call, that member shall be paid the minimum wage as determined in section two, article five-c, chapter twenty-

1 one of this code for every hour which he or she is on call. This
2 section applies only to those nonexempt members as defined under
3 the Fair Labor Standards Act, pursuant to 29 U.S.C. §213. This on-
4 call pay is not subject to retirement deduction, and may not be
5 included in retirement annuity calculations. The on-call pay shall
6 only be for the hours on-call and not for any time periods the
7 member is called back to work.

8 (b) Members who are off-duty and called back to work shall be
9 guaranteed a minimum of two hours' work or actual hours worked,
10 whichever is greater.

NOTE: The purpose of this bill is to provide that West Virginia State Police receiving on-call and off-duty pay be paid minimum wage for every hour on-call. It also guarantees a minimum of two hours pay to state police when called to duty off hours.

This section is new; therefore, it has been completely underscored.