

H. B. 3168

(By Delegates Caputo, Boggs, Butcher,
Staggers, Manypenny, Moye, Ferro, Fleischauer,
Martin, Hunt and Longstreth)

[Introduced February 17, 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
compensation of State Police for off-duty time when they are
required to be on standby to be called back to work; and
providing a stipend for housing cost for officers who reside
in and are assigned to the highest five counties according to
median monthly housing cost.

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 and stipend for housing
cost.**

(a) Any time that the West Virginia State Police requires a
State Police officer, inclusive of the ranks of trooper to
sergeant, during his or her off-duty hours, to be restricted as to

1 where he or she may go, what he or she may do in order that he or
2 she may quickly return to duty, the officer shall be paid fifty
3 percent of the current minimum wage as determined in section two,
4 article five-c, chapter twenty-one of this code for every hour
5 which he or she is on call.

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

10 (c) Subsections (a) and (b) of this section do not exempt
11 State Police officers as defined under the Fair Labor Standards Act
12 or to State Police officers who are designated as support
13 specialists as defined in Legislative Rule 81-03, West Virginia
14 State Police Career Progression System. The pay provided in
15 subsection (a) is not subject to retirement deduction and is not to
16 be used in retirement annuity calculations.

17 (d) If a State Police officer resides in a county that is
18 ranked among the top five counties in West Virginia on the list of
19 "median monthly housing cost for owner-occupied housing units with
20 a mortgage" for West Virginia counties as compiled from the most
21 recently completed five-year American Community Survey from the
22 U.S. Census Bureau and his or her assigned work area includes a
23 county which is ranked among those same five counties, that officer
24 is entitled to receive a monthly stipend equal to one half of the

1 difference between the "median monthly housing cost for owner-
2 occupied housing units with a mortgage" for their resident county
3 and the "median monthly housing cost for owner-occupied housing
4 units with a mortgage" for all counties in the State of West
5 Virginia. The stipend provided in this subsection is not subject to
6 retirement deduction and is not to be used in retirement annuity
7 calculations.

NOTE: The purpose of this bill is to require that State Police officers be compensated for time when they are required to be on standby so that they may be called back to work if necessary and to provide a stipend for housing cost for officers that reside in and are assigned to the highest five counties according to median monthly housing cost.

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