

H. B. 4565

(By Delegates Caputo, Duke, Williams, Guthrie,
Mahan, Lawrence, Boggs and T. Campbell)

[Introduced February 16, 2012; referred to the
Committee on Finance.]

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 top 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

1 sergeant, during his or her off-duty hours, to be restricted as to
2 where he or she may go, what he or she may do in order that he or
3 she may quickly return to duty, the officer shall be paid his or
4 her hourly rate of pay for every hour which he or she is on call.

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

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

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

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

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