

**Senate Bill No. 413**

(By Senators Unger, Klempa, Williams and Wills)

\_\_\_\_\_  
[Introduced January 25, 2012; referred to the Committee on  
Finance.]  
\_\_\_\_\_

**FISCAL  
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §15-2-5a, relating to  
12 compensation of State Police for off-duty time when they are  
13 required to be on standby to be called back to work; and  
14 providing a stipend for housing cost for officers who reside  
15 in and are assigned to the top five counties according to  
16 median monthly housing cost.

17 *Be it enacted by the Legislature of West Virginia:*

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

21 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

22 **§15-2-5a. Compensation for call-back-time and stipend for housing**  
23 **cost.**

1           (a) Any time that the West Virginia State Police requires a  
2 State Police officer, inclusive of the ranks of trooper to  
3 sergeant, during his or her off-duty hours, to be restricted as to  
4 where he or she may go, what he or she may do in order that he or  
5 she may quickly return to duty, the officer shall be paid his or  
6 her hourly rate of pay for every hour which he or she is on call.

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

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

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

1 is entitled to receive a monthly stipend equal to one half of the  
2 difference between the "median monthly housing cost for owner-  
3 occupied housing units with a mortgage" for their resident county  
4 and the "median monthly housing cost for owner-occupied housing  
5 units with a mortgage" for all counties in the State of West  
6 Virginia. The stipend provided in this subsection is not subject to  
7 retirement deduction and is not to be used in retirement annuity  
8 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, strike-throughs and underscoring have been omitted.