

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 132**

4 (By Senators Unger, Barnes, Kessler (Mr. President) and Williams)

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6 [Originating in the Committee on Government Organization;  
7 reported March 21, 2013.]  
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by  
13 adding thereto a new section, designated §15-2-5a, relating to  
14 compensating certain state troopers for off-duty time when  
15 they are required to be on standby to be called back to work;  
16 and requiring that state troopers on off-duty time that are  
17 called in to work or appear in court are guaranteed the  
18 greater of at least two hours or the actual number of hours  
19 worked.

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

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

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

25 **§15-2-5a. Compensation for call-back time.**

1           (a) Any time the West Virginia State Police requires a State  
2 Police Officer during the officer's off-duty hours to be restricted  
3 as to where the officer may go or what the officer may do to enable  
4 that officer to quickly return to duty, the officer shall be paid  
5 the minimum wage as set forth in section two, article five-c,  
6 chapter twenty-one of this code for every hour which the officer is  
7 on call. This code section only pertains to nonexempt State Police  
8 Officers as defined under the Fair Labor Standards Act (FLSA).  
9 This pay is not subject to retirement deduction or used in  
10 retirement annuity calculations.

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

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