

H. B. 2899

(By Delegates Caputo, Boggs, D. Poling, Reynolds, Pethtel, Hamilton, Walker, Morgan, Diserio, Poore and Stephens)

[Introduced March 12, 2013; 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 compensating state troopers for off-duty time when they are required to be on standby to be called back to work.

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.

(a) Any time the West Virginia State Police requires a State Police Officer during the officer's off-duty hours to be restricted as to where the officer may go or what the officer may do to enable that officer to quickly return to duty, the officer shall be paid the minimum wage as set forth in section two, article fifteen-c, chapter twenty-one of this code for every hour which the officer is

1 on call. This code section only pertains to nonexempt State Police
2 Officers as defined under the Fair Labor Standards Act (FLSA).
3 This pay is not subject to retirement deduction or used in
4 retirement annuity calculations.

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

NOTE: The purpose of this bill is to compensate state troopers for off-duty time when they are required to be on standby to be called back to work.

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