

H. B. 2057

(By Delegates Caputo, Ferro, Longstreth and Moye)

[Introduced January 15, 2015; referred to the

Committee on Government Organization then 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 requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in and are assigned to one of the top five counties in median monthly housing costs.

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; stipend for housing cost.

(a) Any time that the West Virginia State Police requires a State Police officer, inclusive of

1 the ranks of trooper to sergeant, during his or her off-duty hours, to be restricted as to where he or
2 she may go, or what the officer may do in order that he or she may quickly return to duty, the officer
3 shall be paid fifty percent of the current minimum wage as determined in section two, article five-c,
4 chapter twenty-one of this code for every hour while on call.

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

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

13 (d) If a State Police officer resides in a county that is ranked among the top five counties in
14 West Virginia on the list of "median monthly housing cost for owner-occupied housing units with
15 a mortgage" for West Virginia counties as compiled from the most recently completed five-year
16 American Community Survey from the U.S. Census Bureau and his or her assigned work area
17 includes a county which is ranked among those same five counties, that officer is entitled to receive
18 a monthly stipend equal to one half of the difference between the "median monthly housing cost for
19 owner-occupied housing units with a mortgage" for their resident county and the "median monthly
20 housing cost for owner-occupied housing units with a mortgage" for all counties in the State of West
21 Virginia. The stipend provided in this subsection is not subject to retirement deduction and is not to
22 be used in retirement 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.

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