

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4732

FISCAL
NOTE

BY DELEGATES CAPUTO, SPONAUGLE, BOGGS,
SWARTZMILLER, PAYNTER, ROBINSON, WILLIAMS,
LOVEJOY, CRISS, ROHRBACH AND MILLER

[Introduced February 06, 2020; Referred to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15-2-5a, relating to requiring compensation be made to certain members of
 3 the State Police; and providing pay for off-duty time when they are required to be on
 4 standby to be called back to work.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

1 (a) Any time that the West Virginia State Police requires a State Police officer, inclusive of
 2 the ranks of trooper to sergeant, during his or her off-duty hours, to be restricted as to where he
 3 or she may go, or what the officer may do because he or she is on call, the officer shall be entitled
 4 to be paid 50 percent of the troopers current hourly rate for every hour on call.

5 (b) State Police officers who are off-duty and called back to work by the West Virginia
 6 State Police, or who are required to appear in court, are guaranteed a minimum of two hours pay
 7 at a rate of 1.5 times their hourly rate, or equivalent pay for every hour worked.

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

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.