

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2634

FISCAL
NOTE

By Delegates Hanna and Mallow

[Introduced January 17, 2023; 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 for off-duty time when they are required to be on standby to be called back
 4 to work; requiring off-duty State Police officers who are called back to work or appear in
 5 court be compensated a minimum amount; and providing a housing cost stipend for those
 6 officers who reside in, and are assigned to, one of the top five counties in median monthly
 7 housing costs.

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 or
 3 she may go, or what the officer may do in order that he or she may quickly return to duty, the officer
 4 shall be paid 50 percent of the trooper’s hourly wage as determined in this code for every hour
 5 while on call.

6 (b) State Police officers who are off-duty and called back to work by the West Virginia State
 7 Police or who are required to appear in court are guaranteed a minimum of two hours at 1.5 rate of
 8 pay or actual hours worked, whichever is greater.

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

NOTE: The purpose of this bill is to require that State Police officers be compensated for their 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.