

Senate Bill No. 422

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(By Senators Unger, Snyder, Wells, Kessler (Acting President), D.
Facemire, Williams, Beach and Sypolt)

[Introduced February 4, 2011; 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
compensation of State Police for off-duty time when they are
required to be on standby to be called back to work; and
providing a stipend for housing cost for officers who reside
in and are assigned to the highest five counties according to
median monthly housing cost.

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 and stipend for housing
cost.**

1 (a) Any time that the West Virginia State Police requires a
2 State Police officer, inclusive of the ranks of trooper to
3 sergeant, during his or her off-duty hours, to be restricted as to
4 where he or she may go, what he or she may do in order that he or
5 she may quickly return to duty, the officer shall be paid fifty
6 percent of the current minimum wage as determined in section two,
7 article five-c, chapter twenty-one of this code for every hour
8 which he or she is on call.

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

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

20 (d) If a State Police officer resides in a county that is
21 ranked among the top five counties in West Virginia on the list of
22 "median monthly housing cost for owner-occupied housing units with
23 a mortgage" for West Virginia counties as compiled from the most
24 recently completed five-year American Community Survey from the
25 U.S. Census Bureau and his or her assigned work area includes a

1 county which is ranked among those same five counties, that officer
2 is entitled to receive a monthly stipend equal to one half of the
3 difference between the "median monthly housing cost for
4 owner-occupied housing units with a mortgage" for their resident
5 county and the "median monthly housing cost for owner-occupied
6 housing units with a mortgage" for all counties in the State of
7 West Virginia. The stipend provided in this subsection is not
8 subject to retirement deduction and is not to be used in retirement
9 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, strike-throughs and underscoring have been omitted.