

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 140

FISCAL
NOTE

BY SENATOR OJEDA

[Introduced January 9, 2019; Referred
to the Committee on Government Organization; and then
to the Committee on Finance]

1 A BILL to amend and reenact §49-2-905 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring correctional officers be paid overtime for all hours worked beyond 40 hours in
 3 a one-week work period.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

49-2-905. Juvenile detention and corrections facility personnel; overtime pay.

1 (a) All persons employed at a juvenile detention or corrections facility shall be employed
 2 at a salary and with benefits consistent with the approved plan of compensation of the Division of
 3 Personnel, created under §29-6-5 of this code; all employees will also be covered by the policies
 4 and procedures of the West Virginia Public Employees Grievance Board, created under §6C-2-1
 5 *et seq.* of this code and the classified service protection policies of the Division of Personnel.

6 (b) The Division of Juvenile Services of the Department of Military Affairs and Public Safety
 7 is authorized to assign the necessary personnel and provide adequate space for the support and
 8 operation of any facility operated by the Division of Juvenile Services of the Department of Military
 9 Affairs and Public Safety providing for the detention of children as provided in this article, subject
 10 to and not inconsistent with the appropriation and availability of funds.

11 (c) Beginning on and after July 1, 2019, correctional officers shall be paid overtime for all
 12 hours worked over 40 hours in each one-week work period.

NOTE: The purpose of this bill is to require that all correctional officers be paid overtime for all hours worked beyond 40 hours in each one-week work period.

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