

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

### **House Bill 2106**

**FISCAL  
NOTE**

BY DELEGATE CAPUTO

[ Introduced January 9, 2019; Referred  
to the Committee on Veterans' Affairs and Homeland  
Security then 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  
4 back to work; requiring off duty State Police officers who are called back to work or appear  
5 in court be compensated a minimum amount; and providing a housing cost stipend for  
6 those officers who reside in and are assigned to one of the top five counties in median  
7 monthly 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; stipend for housing cost.**

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 in order that he or she may quickly return to duty, the  
4 officer shall be paid 50 percent of the current minimum wage as determined in §21-5C-2 of this  
5 code for every hour while on call.

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

9 (c) §15-2-5a(a) and §15-2-5a(b) of this code do not exempt State Police officers as defined  
10 under the Fair Labor Standards Act or to State Police officers who are designated as support  
11 specialists as defined in Legislative Rule 81-03, West Virginia State Police Career Progression  
12 System. The pay provided in §15-2-5a(a) of this code is not subject to retirement deduction and  
13 is not to be used in retirement annuity calculations.

14 (d) If a State Police officer resides in a county that is ranked among the top five counties  
15 in West Virginia on the list of "median monthly housing cost for owner-occupied housing units with

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

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