

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2340

BY DELEGATES HANNA, HAYNES, AND BARNHART

[Introduced February 12, 2021; 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
 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.

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 trooper’s hourly wage as determined in this code for every
 5 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 at 1.5
 8 rate of pay or 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.

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.