WEST VIRGINIA CODE: §15-2-18

§15-2-18. Officers or members failure to perform duties; general penalty; providing extraordinary police or security services by contract.

(a) Any officer or member of the State Police who demands or receives from any person, firm or corporation any money or other thing of value as a consideration for the performance of, or the failure to perform, his or her duties under the rules of the superintendent and the provisions of this article, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than one nor more than five years, and any such officer or member of the State Police who violates any other provisions of this article, for which no other penalty is expressly provided, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $25 nor more than $200, or confined in jail for not more than four months, or both fined and confined.

(b) Notwithstanding any other provision of this article to the contrary, the superintendent may contract with public, quasi-public, military, or private entities to provide extraordinary police or security services by the State Police when it is determined by the superintendent to be in the public interest. The superintendent shall assign the personnel, equipment, or facilities he or she considers necessary and the State Police shall be reimbursed for the wages, overtime wages, benefits, and costs of providing the contract services as negotiated between the parties. The compensation paid to State Police personnel by virtue of contracts provided for in this section shall be paid from a special account and shall be excluded from any formulation used to calculate an employee's benefits. All requests for obtaining extraordinary police or security services shall be made to the superintendent in writing and shall explain the funding source and the authority for making the request. An officer or member of the State Police may not be required to accept any assignment made pursuant to this subsection. Every officer or member assigned to duty under this section shall be paid according to the hours and overtime hours actually worked notwithstanding that officer's or member's status as exempt personnel under the Federal Labor Standards Act or applicable state statutes. Every contract entered into under this subsection shall contain the provision that in the event of public disaster or emergency where the reassignment to official duty of all officers and members is required, neither the State Police nor any of its officers or members are liable for any damages incurred as the result of the reassignment. Further, any entity contracting with the State Police, an officer, or member under this section shall also agree as part of that contract to hold harmless and indemnify the state, State Police and its personnel from any liability arising out of employment under the contract. The superintendent may propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code, relating to the implementation of any contracts made under this subsection: Provided, That the rules shall expressly prohibit private employment of officers or members in circumstances involving labor disputes. Notwithstanding any provision of this article to the contrary, an officer or member may contract to work for a private person or

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entity during his or her off duty hours: Provided, however, That the contract work may not be a type prohibited by this code or the rules of the State Police on the locations and the nature of services provided.

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