WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED

SENATE BILL NO. 532

(Originating in the
(By Committee on Finance)

PASSED March 13, 1978
In Effect July 1, 1978

Passage
ENROLLED

Senate Bill No. 532
(Originating in the Committee on Finance)

[Passed March 13, 1978; in effect July 1, 1978.]

AN ACT to amend article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to conservation officers; excluding conservation officers from coverage of wage and hour law; providing for supplemental payments in lieu of overtime and maximum amount thereof; requiring director of department of natural resources to promulgate rule or regulation as to supplemental payments and criteria; and requiring director to certify or cause to be certified eligibility of officers for supplemental payments and amounts thereof.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, to read as follows:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.

§20-7-1a. Conservation officers excluded from coverage of wage and hour laws; supplemental pay in lieu of overtime; regulation.

1 The Legislature finds and declares that the supreme court of appeals of West Virginia has held that conservation officers are covered by the provisions of the state wage and hour law, article five-c, chapter twenty-one of this code. The Legislature further finds and declares
that because of the unique duties of conservation officers, it is not appropriate to apply said wage and hour provisions to them. Accordingly, conservation officers are hereby excluded from the provisions of said wage and hour law. In lieu of any overtime pay they might otherwise have received under the wage and hour law, eligible conservation officers shall receive in addition to their salaries, a monthly supplemental payment not to exceed one hundred seventy-five dollars per month.

The director of the department of natural resources shall, within thirty days after the effective date hereof, promulgate a rule or regulation to establish the standard work week for conservation officers. Such rule or regulation shall establish, on a graduated hourly basis, the criteria for receipt of a portion or all of such supplemental payment for hours worked in excess of said standard work week. Such rule or regulation shall be promulgated pursuant to the provisions of chapter twenty-nine-a of the code. The director shall certify or cause to be certified monthly the names of those conservation officers who have worked hours in excess of the standard work week and the amount of their supplemental payment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. Deebon, Jr.
Clerk of the Senate

Clerk of the House of Delegates

W. T. Battle, Jr.
President of the Senate

Donald L. Hogg
Speaker House of Delegates

The within is approved this the 30 day of March, 1978.

Governor