

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 532

Originating in the
(By Mr. Committee on Finance)



PASSED March 13, 1978

In Effect July 1, 1978 Passage



100-552

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
2 court of appeals of West Virginia has held that conserva-
3 tion officers are covered by the provisions of the state
4 wage and hour law, article five-c, chapter twenty-one of
5 this code. The Legislature further finds and declares

6 that because of the unique duties of conservation officers,
7 it is not appropriate to apply said wage and hour pro-
8 visions to them. Accordingly, conservation officers are
9 hereby excluded from the provisions of said wage and
10 hour law. In lieu of any overtime pay they might other-
11 wise have received under the wage and hour law, eligible
12 conservation officers shall receive in addition to their
13 salaries, a monthly supplemental payment not to exceed
14 one hundred seventy-five dollars per month.

15 The director of the department of natural resources
16 shall, within thirty days after the effective date hereof,
17 promulgate a rule or regulation to establish the standard
18 work week for conservation officers. Such rule or regula-
19 tion shall establish, on a graduated hourly basis, the cri-
20 teria for receipt of a portion or all of such supplemental
21 payment for hours worked in excess of said standard work
22 week. Such rule or regulation shall be promulgated pur-
23 suant to the provisions of chapter twenty-nine-a of the
24 code. The director shall certify or cause to be certified
25 monthly the names of those conservation officers who
26 have worked hours in excess of the standard work week
27 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

Clarence C. Christian Jr.
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. C. Wilson, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

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

John T. Riley
Governor

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MAR 21 9 38 AM '78

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978

Time 8:50 A.M.

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OFFICE
SECY. OF STATE