

Veto-1952

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1952.

(By Mr. Speaker, Mr. Albright, & Del. Inman)
[By request of the Executive.]

— ● —

Passed March 8, 1986

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1952

(By MR. SPEAKER, MR. ALBRIGHT, and DELEGATE SWANN)
[By request of the Executive]

[Passed March 8, 1986; in effect from passage.]

AN ACT to amend and reenact section one-a, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to conservation officers exclusion from provisions of wage and hour laws; elimination of supplemental pay in lieu of overtime; providing for adjustment of base salary.

Be it enacted by the Legislature of West Virginia:

That section one-a, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING; WEST VIRGINIA LITTER CONTROL PROGRAM.

§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 conser-
3 vation 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
7 officers, it is not appropriate to apply said wage and
8 hour provisions to them. Accordingly, conservation
9 officers are hereby excluded from the provisions of said
10 wage and hour law and department of civil service
11 guidelines, rules or regulations relating thereto. They
12 shall be subject to duty whenever and wherever
13 required by the functions, services and needs of the
14 department.

15 The minimum workweek for conservation officers
16 shall be forty hours. The maximum number of days and
17 hours per day shall be unrestricted. Conservation
18 officers shall be entitled to compensatory time for hours
19 worked in excess of the minimum in a twenty-eight day
20 work period and a compensatory day shall be granted
21 for any holiday worked.

22 In lieu of any benefits to which they would have been
23 entitled by the coverage from which they are hereby
24 excluded, conservation officers, except those classified
25 by the West Virginia civil service system as conserva-
26 tion officer IV and natural resources administrator,
27 shall receive in addition to their salaries an annual
28 premium payment of two thousand one hundred dollars
29 which sum shall be prorated and included in the
30 payment of their salary checks, effective for the fiscal
31 year beginning the first day of July, one thousand nine
32 hundred eighty and ending the fourteenth day of April,
33 one thousand nine hundred eighty-six. In lieu of the
34 prorated annual premium payment, each conservation
35 officer who is receiving the prorated annual premium
36 payment as of the fourteenth day of April, one thousand
37 nine hundred eighty-six, shall receive a one-time salary
38 adjustment, effective upon the fifteenth day of April, one
39 thousand nine hundred eighty-six. That adjustment
40 shall be accomplished by determining the base monthly
41 salary of each such officer as listed for his pay grade
42 and pay step assigned by the civil service system,
43 increasing that base salary by one hundred seventy-five
44 dollars, and then adjusting the combined total upward

45 to the nearest (next highest) civil service pay step. This
46 article shall not be construed to prohibit eligibility for
47 other pay increases based on merit, seniority, promotion
48 or other reason, if funds are available for such other
49 increases.

50 This section shall not apply to special nor emergency
51 conservation officers appointed under the authority of
52 section one of this article.

Enr. Com. Sub. for H. B. 1952] 4

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect from passage.

Ed C. Wells
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Don Tonkinson
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within disapproved this the 26th
March day of _____, 1986.

Andrew S. Shuman
Governor

PRESENTED TO THE
GOVERNOR

Date 3/21/86

Time 5:02pm.

RECEIVED

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SECRETARY OF STATE
WEST VIRGINIA

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86