

No. 2201

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

ENROLLED

Com. Sub. For

HOUSE BILL No. *2201*

(By Mr. *Delegate Rove*.....)

— ● —

Passed *April 8,*..... 1989

In Effect *Ninety Days From*..... Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2201
(By DELEGATE LOVE)

[Passed April 8, 1989; in effect ninety days 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 employed by the department of natural resources; providing salary increases for conservation officers based on length of service.

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; salary increase based on length of service.

1 (a) The Legislature finds and declares that the
2 supreme court of appeals of West Virginia has held that
3 conservation officers are covered by the provisions of the

4 state wage and hour law, article five-c, chapter twenty-
5 one of this code. The Legislature further finds and
6 declares that because of the unique duties of conserva-
7 tion 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 five eight hour days and the maximum number
17 of days and hours per day shall be unrestricted.
18 Conservation officers shall not be entitled to compensa-
19 tory time for days or hours worked in excess of the
20 minimum in a work day or week except a compensatory
21 day shall be granted for any holiday worked. In lieu of
22 any benefits to which they would have been entitled by
23 the coverage from which they are hereby excluded,
24 conservation officers, except those classified by the West
25 Virginia civil service system as conservation officer IV
26 and natural resources administrator, shall receive in
27 addition to their salaries an annual premium payment
28 of two thousand one hundred dollars which sum shall
29 be prorated and included in the payment of their salary
30 checks.

31 (b) Effective the first day of January, one thousand
32 nine hundred ninety, each conservation officer shall
33 receive and be entitled to an increase in salary based
34 on length of service, including that heretofore and
35 hereafter served as a conservation officer as follows: For
36 five years of service with the department, such conser-
37 vation officer shall receive a salary increase of three
38 hundred dollars per year payable during his next three
39 years of service and a like increase at three-year
40 intervals thereafter, with such increases to be cumula-
41 tive: *Provided*, That for purposes of calculating such
42 salary increase, a maximum of twenty-five years of
43 service shall be applicable. Such salary increase shall be
44 based upon years of service as of the first day of July

45 of each year and shall not be recalculated until the first
46 day of July of the following year.

47 Conservation officers in service at the time the
48 amendment to this section becomes effective shall be
49 given credit for prior service and shall be paid such
50 salaries as the same length of service will entitle them
51 to receive under the provisions hereof.

52 (c) This section shall not apply to special or emer-
53 gency conservation officers appointed under the author-
54 ity of section one of this article.

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

Frederick L. Kerne
.....
Chairman Senate Committee

J. L. Sattas
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joel A. Welch
.....
Clerk of the Senate

Donald L. Nepp
.....
Clerk of the House of Delegates

Sam D. Tucker
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *is Approved* this the *26th*
day of *April* 1989.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/89

Time

2:05