WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED
Comm. Sub. For
HOUSE BILL No. 2201

(By Mr. Delegate Lane)

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 supreme court of appeals of West Virginia has held that conservation officers are covered by the provisions of the
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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 and department of civil service guidelines, rules or regulations relating thereto. They shall be subject to duty whenever and wherever required by the functions, services and needs of the department.

The minimum workweek for conservation officers shall be five eight hour days and the maximum number of days and hours per day shall be unrestricted. Conservation officers shall not be entitled to compensatory time for days or hours worked in excess of the minimum in a work day or week except a compensatory day shall be granted for any holiday worked. In lieu of any benefits to which they would have been entitled by the coverage from which they are hereby excluded, conservation officers, except those classified by the West Virginia civil service system as conservation officer IV and natural resources administrator, shall receive in addition to their salaries an annual premium payment of two thousand one hundred dollars which sum shall be prorated and included in the payment of their salary checks.

(b) Effective the first day of January, one thousand nine hundred ninety, each conservation officer shall receive and be entitled to an increase in salary based on length of service, including that heretofore and hereafter served as a conservation officer as follows: For five years of service with the department, such conservation officer shall receive a salary increase of three hundred dollars per year payable during his next three years of service and a like increase at three-year intervals thereafter, with such increases to be cumulative: Provided, That for purposes of calculating such salary increase, a maximum of twenty-five years of service shall be applicable. Such salary increase shall be based upon years of service as of the first day of July
of each year and shall not be recalculated until the first
day of July of the following year.

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

(c) This section shall not apply to special or emer-
gency conservation officers appointed under the author-
ity of section one of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Hite
Chairman Senate Committee

J. L. Satter
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. E. Conwell
Clerk of the Senate

Donald L. Kepp
Clerk of the House of Delegates

Tony R. Treadway
President of the Senate

Robert C. Rupe
Speaker of the House of Delegates

The within is approved this the 24th day of April, 1989.

Robert C. Rupe
Governor