



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

DAVID C. CALLAGHAN  
Director

August 24, 1978

The Honorable A. James Manchin  
Secretary of State of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Manchin:

In accordance with the provisions of Chapter 29A of the Code of West Virginia, a public hearing was held on August 10, 1978, to receive comments and recommendations concerning the proposed regulation for supplemental pay for conservation officers.

After consideration of the recommendations received, paragraph 4.01 of the regulations was revised. We are, therefore, this date submitting 17 copies of the regulations, as revised, to the Legislative Rule Making Review Committee, with the request that they be made effective at the earliest possible date.

Also, I am enclosing three copies of the revised regulations and a copy of the minutes of the public hearing, along with our findings and determinations, to be filed in the State Register.

Sincerely,

  
David C. Callaghan  
Director

DCC/cla

Enclosures

cc: Legislative Rule Making Review Committee (Transmitting 17 copies  
of the regulation for supplemental pay for conservation officers)



STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE  
CHARLESTON 25305

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director,  
Title or Position

Department of Natural Resources, hereby submit to record in  
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- ( ) proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- ( ) proposed rules and regulations superseding rules and regulations already on file;
- ( ) notice of hearing;
- (x) findings and determinations;
- ( ) rules and regulations; or
- (x) other - specify (revised regulation re: supplemental pay for conservation officer).

This filing pertains to

Chapter 20  
Article 7  
Series XIII  
Section 1a  
Page No.

- (x) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- ( ) proposed rules and regulations are excluded from Legislative Rule Making Committee;

August 24, 1978  
Date Submitted

*David C. Callaghan*  
Signature of Person Authorizing  
this Filing

PUBLIC HEARING

August 10, 1978

The meeting began at 10:00 a.m. in Room 837, 1800 Washington Street, East, Charleston, West Virginia. Major Charles U. Costilow, representing the Division of Law Enforcement, explained the purpose of the meeting in compliance with the law dealing with the filing of administrative regulations. Costilow then heard comments from attendees regarding the regulations covering supplemental pay for conservation officers.

Two persons attended - Mrs. Carole D. Jennings, wife of a conservation officer, and Mrs. Grace H. Young, wife of a state policeman. Mrs. Jennings also presented her written statement. Major Costilow remained at the meeting room until 4:30 p.m.

Written comments were received from 80 conservation officers, 2 wives of officers, 4 sportsman organizations, a woman's club, a member of the Legislature, and a member of a county commission.

All comments opposed the proposed regulations, recommended overtime pay for all hours worked in excess of 40 per week; but in essence, most were of the opinion that a flat \$175 per month should be paid.

In addition to written comments, Fred Pack, President of the Clear Creek Rod and Gun Club telephoned his comments to Major Costilow, and stated that he would submit comments in writing at a later date.

All written statements are on file in the offices of the Division of Law Enforcement, and are available for inspection.

## FINDINGS AND DETERMINATIONS

While most of the comments received favored payment of a flat \$175 per month, we believe that would be in conflict with Legislative intent. The law gives the Director of the Department of Natural Resources specific authority to promulgate regulations to establish the standard work week for officers, and to 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 the standard work week.

Furthermore, had the Legislature intended a flat payment of \$175 per month for each officer, adequate funding for such payment would have been provided. The budget bill for FY 78-79 contains no item pertaining to supplemental pay for conservation officers.

Members of the Law Enforcement Division felt that the portion of the regulation pertaining to reporting procedures should be more specific. Therefore, paragraph 4.01 of the proposed regulations has been amended.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Natural Resources

Chapter 20 - 1  
Series XIII  
1978

SUBJECT: Conservation Officers - Supplemental Pay in Lieu of Overtime

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Section 1. Authority.

1.01. By virtue of the authority granted the director of the Department of Natural Resources by Article 7, Section 1a, Chapter 20 of the Official Code of West Virginia, one thousand nine hundred thirty-three, as amended, the following regulations are hereby promulgated and these regulations shall become effective September 15, 1978.

Section 2. General.

2.01. Work week. Because of the unique responsibilities and seasonal variations of work load, both low and high, and the procedure of officers operating from their residences without daily supervision, the standard work week shall consist of a minimum of 40 hours and a maximum of 46 hours per week. Pay is calculated on the basis of a 40-hour week.

2.02. Scheduling. Supervisory employees are responsible for scheduling work hours and days for seasonal and/or emergency demands. Normal work scheduling shall be on the 40-hour base, and when situations require extra hours, it should be in response to seasonal needs, emergency situations, or special assignments.

Section 3. Persons subject to these regulations.

3.01. Conservation officers of the Department of Natural Resources, with the exception of the chief, assistant chiefs, and captains (Natural Resources Administrator II, III, IV or Conservation Officer IV) shall be compensated, hour for hour, for actual hours worked in excess of 46 hours

per week. The rate of supplemental pay shall be the same as the individual's established hourly rate, not to exceed \$175 per month.

Section 4. Reporting.

4.01. Each district captain shall prepare a standard West Virginia Department of Natural Resources Daily Time Record for each officer that works in excess of 46 hours in a single work week. The captain may use the weekly activity report submitted by each officer in preparing the Daily Time Record, and the captain shall certify that the hours worked were authorized by him.