

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

MAR 29 1 16 PM '99

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Police TITLE NUMBER: 81

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Supplemental Pay

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

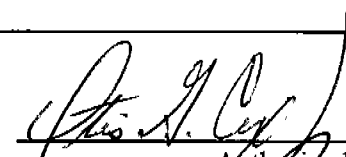
TITLE OF RULE BEING PROPOSED: _____


THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB2565

SECTION 64-6-2(a), PASSED ON March 10, 1999

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: March 29, 1999



Authorized Signature

LTC R. D. Blankenship

\$2.60

TITLE 81
LEGISLATIVE RULES
WEST VIRGINIA STATE POLICE

SERIES 1
SUPPLEMENTAL PAY

FILED
Mar 28 1 49 PM '99
OFFICE OF THE SECRETARY OF STATE

§81-1-1. General.

1.1. Scope. -- This rule establishes the number of hours per month which constitute the standard work month for members of the West Virginia State Police who are exempt from federal Fair Labor Standards Act guidelines and further designates the criteria for receipt of a portion or all of the supplemental payment when hours are worked in excess of the standard work month.

1.2. Authority. -- W. Va. Code §15-2-5

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of former rule - This legislative rule repeals and replaces West Virginia State Police Administrative Rule 81CSR1 filed on May 21, 1998 and effective June 15, 1998.

§81-1-2 Supplemental Pay.

2.1. The standard work month for the West Virginia State Police members who are exempt from overtime pursuant to the provisions of the Federal Fair Labor Standards Act consists of one hundred seventy-three (173) hours.

2.2. Members of the West Virginia State Police who are exempt from overtime pursuant to the provisions of the Federal Fair Labor Standards Act, with the exception of the Superintendent and civilian employees, shall receive the following percentages of the maximum supplement for the equivalent number of hours worked in excess of the standard work month:

EXCESS	TOTAL MONTHLY
1-5 hours	174 to & incl. 178 25%
6-10 hours	179 to & incl. 183 50%

11-15 hours	184 to & incl. 188	75%
16 or more	189 or more	100%

2.3. Credit for a normal workday of 8 hours shall be given in computing the number of hours worked per month for any legal holiday (HOD) or compensatory day (CDO) in lieu of a legal holiday; any day of annual leave (AWL), sick leave (SIQ), work related disability leave (DL), or administrative leave (AAL), as defined in West Virginia State Police Operational Policy and Procedure, taken within the month for which the computation is made. Credit for a normal workday of 8 hours shall also be given in computing the number of hours worked per month for any compensatory day (CDO) taken in lieu of a day off duty lost. Credit for a normal workday shall not be given for customary days off duty (DOD) or for any make up days (MUD) in lieu of customary days off duty.

2.4 The Superintendent shall base the monthly certification of those members who are eligible for receipt of the monthly supplement set forth in subsection 2.2 of this rule upon personal knowledge and/or individual monthly activity reports.

77956

1 Bill-Sta

H. B. 2564

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(By Delegates Hunt, Linch, Compton, Faircloth,
Jenkins and Riggs)

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[Introduced February 1, 1999; referred to the
Committee on Finance then the Judiciary.]

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10 A BILL to amend and reenact section two, article six,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the state police to promulgate a
14 legislative rule relating to supplemental pay.

15 *Be it enacted by the Legislature of West Virginia:*

16 That section two, article six, chapter sixty-four of
17 the code of West Virginia, one thousand nine hundred
18 thirty-one, as amended, be amended and reenacted, to read
19 as follows:

20 **ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY**
21 **AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE**
22 **RULES.**

23 §64-6-2. State police.

64

1 (a) The legislative rule filed in the state register
2 on the thirtieth day of July, one thousand nine hundred
3 ninety-seven, under the authority of section twenty-five,
4 article two, chapter fifteen, of this code, modified by the
5 state police to meet the objections of the legislative
6 rule-making review committee and refiled in the state
7 register on the twenty-third day of January, one thousand
8 nine hundred ninety-eight, relating to the state police
9 (administrative regulations, 81 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register
11 on the seventeenth day of July, one thousand nine hundred
12 ninety-seven, under the authority of section twenty-five,
13 article two, chapter fifteen, of this code, modified by the
14 state police to meet the objections of the legislative
15 rule-making review committee and refiled in the state
16 register on the twenty-third day of January, one thousand
17 nine hundred ninety-eight, relating to the state police
18 (cadet selection, 81 CSR 2), is authorized.

19 (c) The legislative rule filed in the state register
20 on the seventeenth day of July, one thousand nine hundred
21 ninety-seven, under the authority of section twenty-five,
22 article two, chapter fifteen, of this code, modified by the
23 state police to meet the objections of the legislative

1 rule-making review committee and refiled in the state
2 register on the twenty-third day of January, one thousand
3 nine hundred ninety-eight, relating to the state police
4 (carrying of handguns by retired or medically discharged
5 members, 81 CSR 6), is authorized.

6 (d) The legislative rule filed in the state register
7 on the seventeenth day of July, one thousand nine hundred
8 ninety-seven, under the authority of section eighteen,
9 article two, chapter fifteen, of this code, modified by the
10 state police to meet the objections of the legislative
11 rule-making review committee and refiled in the state
12 register on the twenty-third day of January, one thousand
13 nine hundred ninety-eight, relating to the state police
14 (contracted police or security services, 81 CSR 5), is
15 authorized with the following amendment:

16 "On page 2, Section 3.1, by reinserting the stricken
17 words 'in writing'."

18 (e) The legislative rule filed in the state register
19 on the seventeenth day of July, one thousand nine hundred
20 ninety-seven, under the authority of section forty-eight,
21 article two, chapter fifteen, of this code, relating to the
22 state police (modified vehicle inspections, 81 CSR 4), is
23 authorized.