

**INTRODUCED BY:**

Frank A. Mullens, Jr., Mayor

**ORDINANCE NO:**

2368

**REFERRED TO:**

**APPROVED ON:**

11/20/25

**AN ORDINANCE TO AMEND SECTION 167.30 OF ARTICLE 167 OF THE CITY CODE OF THE CITY OF SOUTH CHARLESTON CONCERNING COMPENSATORY LEAVE OF POLICE OFFICERS AND FIREFIGHTERS AND SHIFTS**

**WHEREAS**, City Code Section 167.30 currently requires that any holiday compensatory leave time be scheduled at the discretion of the Police Chief for police officers and at the discretion of the Fire Chief for firefighters; and

**WHEREAS**, the City of South Charleston wishes to place a reasonable limit on the time during which such compensatory leave may be taken and ensure that compensatory time is exhausted prior to annual leave being taken; and

**WHEREAS**, recent changes in W.Va. Code § 8-15-10a make it prudent to clarify how the City construes the terms "shift" so that ambiguities and uncertainty may be avoided;


**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH CHARLESTON, WV, THAT ARTICLE 167, SECTION 167.30, SUBSECTION (D), SUBDIVISIONS (6) AND (7), BE ENACTED TO READ AS FOLLOWS:**


(6) Compensatory Leave. Any compensatory holiday leave accumulated under this subsection shall be taken within a reasonable time period as specified by the Police Chief for police officers and Fire Chief for firefighters, but in no event may such time exceed 12 months from the time of holiday leave accrual. No annual leave may be used until all compensatory leave time has been exhausted. To the extent annual leave is scheduled or taken while compensatory leave has not been exhausted, such annual leave shall first be applied to reduce or eliminate any accrued compensatory leave prior to reducing or eliminating accrued annual leave.

(7) Shifts. Shifts include regular work shifts, regular shifts off, and special shifts, which means any shifts or hours that are not regular shifts, such as leave, personal time, or compensatory time off. Notwithstanding any words in this subsection to the contrary and for purposes of this subsection, "shift" means a scheduled period of time during which an employee is expected to work, but no single work shift may span both a holiday and non-holiday. Nothing in this subsection may be construed to prohibit consecutive shifts.

This ordinance shall take effect from passage.

**ATTEST:**

  
Margie Spence, City Clerk

  
Frank A. Mullens, Jr., Mayor

This ordinance was prepared by Moore & Biser PLLC, City Attorney.