

1 **H. B. 3022**

2  
3 (By Delegates Caputo, Canterbury, T. Campbell,  
4 Hamilton, Boggs, Martin, Perdue, Smith, D. Poling,  
5 Barker and Manypenny)  
6

7 [Introduced February 7, 2011; referred to the  
8 Committee on Finance.]  
9

**FISCAL  
NOTE**

10 A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West  
11 Virginia, 1931, as amended, all relating to maintaining a  
12 minimum of eight hundred state troopers by July 1, 2015; and  
13 increasing the salary increase received at the end of two  
14 years of service with the West Virginia State Police to \$580.

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

16 That §15-2-3 and §15-2-5 of the Code of West Virginia, 1931,  
17 as amended, be amended and reenacted, all to read as follows:

18 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

19 **§15-2-3. State police structure; how established.**

20 (a) The superintendent shall create, appoint and equip the  
21 State Police which shall consist of the number of troops, districts  
22 and detachments required for the proper administration of the State  
23 Police. Each troop, district or detachment shall be composed of  
24 the number of officers and members the superintendent determines  
25 are necessary to meet operational needs and are required for the  
26 efficient operation of the State Police.

1        (b) Notwithstanding the provisions of any other section of  
2 this code and pursuant to amendments made to this section during  
3 the 2011 regular session of the Legislature, the superintendent  
4 shall implement a program to increase the number of state troopers  
5 in the state to attain and maintain a minimum number of eight  
6 hundred state troopers by July 1, 2015.

7        (c) The superintendent shall establish the general  
8 organizational structure of the State Police by interpretive rule  
9 in accordance with the provisions of article three, chapter twenty-  
10 nine-a of this code. The superintendent shall provide adequate  
11 facilities for the training of all members of the State Police and  
12 shall prescribe basic training requirements for newly enlisted  
13 members. He or she shall also provide advanced or in-service  
14 training from time to time for all members of the State Police.  
15 The superintendent shall hold training classes for other peace  
16 officers in the state without cost to those officers, except actual  
17 expenses for food, lodging and school supplies.

18 **§15-2-5. Career progression system; salaries; exclusion from wages**  
19 **and hour law, with supplemental payment; bond; leave**  
20 **time for members called to duty in guard or reserves.**

21        (a) The superintendent shall establish within the West  
22 Virginia State Police a system to provide for: The promotion of  
23 members to the supervisory ranks of sergeant, first sergeant,  
24 second lieutenant and first lieutenant; the classification of

1 nonsupervisory members within the field operations force to the  
2 ranks of trooper, senior trooper, trooper first class or corporal;  
3 the classification of members assigned to the forensic laboratory  
4 as criminalist I-VII; and the temporary reclassification of members  
5 assigned to administrative duties as administrative support  
6 specialist I-VIII.

7 (b) The superintendent may propose legislative rules for  
8 promulgation in accordance with article three, chapter twenty-nine-  
9 a of this code for the purpose of ensuring consistency,  
10 predictability and independent review of any system developed under  
11 the provisions of this section.

12 (c) The superintendent shall provide to each member a written  
13 manual governing any system established under the provisions of  
14 this section and specific procedures shall be identified for the  
15 evaluation and testing of members for promotion or reclassification  
16 and the subsequent placement of any members on a promotional  
17 eligibility or reclassification recommendation list.

18 (d) Beginning on July 1, 2007, until and including June 30,  
19 2008, members shall receive annual salaries as follows:

20 **ANNUAL SALARY SCHEDULE (BASE PAY)**

21 **SUPERVISORY AND NONSUPERVISORY RANKS**

|    |                                       |              |          |
|----|---------------------------------------|--------------|----------|
| 22 | Cadet During Training.. . . . .       | 2,550.50 Mo. | \$30,606 |
| 23 | Cadet Trooper After Training. . . . . | 3,138.17 Mo. | 37,658   |
| 24 | Trooper Second Year.. . . . .         |              | 39,122   |

|                                |        |
|--------------------------------|--------|
| 1 Trooper Third Year. . . . .  | 39,494 |
| 2 Senior Trooper. . . . .      | 39,882 |
| 3 Trooper First Class.. . . .  | 40,470 |
| 4 Corporal. . . . .            | 41,058 |
| 5 Sergeant .. . . .            | 45,234 |
| 6 First Sergeant. . . . .      | 47,322 |
| 7 Second Lieutenant.. . . .    | 49,410 |
| 8 First Lieutenant. . . . .    | 51,498 |
| 9 Captain.. . . .              | 53,586 |
| 10 Major.. . . .               | 55,674 |
| 11 Lieutenant Colonel. . . . . | 57,762 |

12 **ANNUAL SALARY SCHEDULE (BASE PAY)**

13 **ADMINISTRATION SUPPORTSPECIALIST CLASSIFICATION**

|                  |          |
|------------------|----------|
| 14 I.. . . . .   | \$39,494 |
| 15 II .. . . .   | 39,882   |
| 16 III.. . . .   | 40,470   |
| 17 IV .. . . .   | 41,058   |
| 18 V.. . . .     | 45,234   |
| 19 VI .. . . .   | 47,322   |
| 20 VII.. . . .   | 49,410   |
| 21 VIII .. . . . | 51,498   |

22 **ANNUAL SALARY SCHEDULE (BASE PAY)**

23 **CRIMINALIST CLASSIFICATION**

|                |          |
|----------------|----------|
| 24 I.. . . . . | \$39,494 |
|----------------|----------|

|   |                 |        |
|---|-----------------|--------|
| 1 | II. . . . .     | 39,882 |
| 2 | III.. . . . .   | 40,470 |
| 3 | IV .. . . . .   | 41,058 |
| 4 | V.. . . . .     | 45,244 |
| 5 | VI .. . . . .   | 47,322 |
| 6 | VII.. . . . .   | 49,410 |
| 7 | VIII .. . . . . | 51,498 |

8           Beginning on July 1, 2008, and continuing thereafter, members  
 9 shall receive annual salaries as follows:

10                           **ANNUAL SALARY SCHEDULE (BASE PAY)**

11                           **SUPERVISORY AND NONSUPERVISORY RANKS**

|    |                                       |              |           |
|----|---------------------------------------|--------------|-----------|
| 12 | Cadet During Training.. . . . .       | \$ 2,752 Mo. | \$ 33,024 |
| 13 | Cadet Trooper After Training. . . . . | 3,357.33 Mo. | 40,288    |
| 14 | Trooper Second Year.. . . . .         |              | 41,296    |
| 15 | Trooper Third Year. . . . .           |              | 41,679    |
| 16 | Senior Trooper. . . . .               |              | 42,078    |
| 17 | Trooper First Class.. . . . .         |              | 42,684    |
| 18 | Corporal. . . . .                     |              | 43,290    |
| 19 | Sergeant. . . . .                     |              | 47,591    |
| 20 | First Sergeant. . . . .               |              | 49,742    |
| 21 | Second Lieutenant.. . . . .           |              | 51,892    |
| 22 | First Lieutenant. . . . .             |              | 54,043    |
| 23 | Captain.. . . . .                     |              | 56,194    |
| 24 | Major.. . . . .                       |              | 58,344    |

1 Lieutenant Colonel. . . . . 60,495

2 **ANNUAL SALARY SCHEDULE (BASE PAY)**

3 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

4 I.. . . . \$ 41,679

5 II .. . . . 42,078

6 III.. . . . 42,684

7 IV .. . . . 43,290

8 V.. . . . 47,591

9 VI .. . . . 49,742

10 VII.. . . . 51,892

11 VIII .. . . . 54,043

12 **ANNUAL SALARY SCHEDULE (BASE PAY)**

13 **CRIMINALIST CLASSIFICATION**

14 I.. . . . \$ 41,679

15 II .. . . . 42,078

16 III.. . . . 42,684

17 IV .. . . . 43,290

18 V.. . . . 47,591

19 VI .. . . . 49,742

20 VII.. . . . 51,892

21 VIII .. . . . 54,043

22 Each member of the West Virginia State Police whose salary is  
23 fixed and specified in this annual salary schedule is entitled to  
24 the length of service increases set forth in subsection (e) of this

1 section and supplemental pay as provided in subsection (g) of this  
2 section.

3       (e) Each member of the West Virginia State Police whose salary  
4 is fixed and specified pursuant to this section shall receive, and  
5 is entitled to, an increase in salary over that set forth in  
6 subsection (d) of this section for grade in rank, based on length  
7 of service, including that service served before and after the  
8 effective date of this section with the West Virginia State Police  
9 as follows: At the end of two years of service with the West  
10 Virginia State Police, the member shall receive a salary increase  
11 of ~~\$400~~ \$580 to be effective during his or her next year of service  
12 and a like increase at yearly intervals thereafter, with the  
13 increases to be cumulative.

14       (f) In applying the salary schedules set forth in this section  
15 where salary increases are provided for length of service, members  
16 of the West Virginia State Police in service at the time the  
17 schedules become effective shall be given credit for prior service  
18 and shall be paid the salaries the same length of service entitles  
19 them to receive under the provisions of this section.

20       (g) The Legislature finds and declares that because of the  
21 unique duties of members of the West Virginia State Police, it is  
22 not appropriate to apply the provisions of state wage and hour laws  
23 to them. Accordingly, members of the West Virginia State Police  
24 are excluded from the provisions of state wage and hour law. This

1 express exclusion shall not be construed as any indication that the  
2 members were or were not covered by the wage and hour law prior to  
3 this exclusion.

4       In lieu of any overtime pay they might otherwise have received  
5 under the wage and hour law, and in addition to their salaries and  
6 increases for length of service, members who have completed basic  
7 training and who are exempt from federal Fair Labor Standards Act  
8 guidelines may receive supplemental pay as provided in this  
9 section.

10       The authority of the superintendent to propose a legislative  
11 rule or amendment thereto for promulgation in accordance with  
12 article three, chapter twenty-nine-a of this code to establish the  
13 number of hours per month which constitute the standard work month  
14 for the members of the West Virginia State Police is hereby  
15 continued. The rule shall further establish, on a graduated hourly  
16 basis, the criteria for receipt of a portion or all of supplemental  
17 payment when hours are worked in excess of the standard work month.  
18 The superintendent shall certify monthly to the West Virginia State  
19 Police's payroll officer the names of those members who have worked  
20 in excess of the standard work month and the amount of their  
21 entitlement to supplemental payment. The supplemental payment may  
22 not exceed \$236 monthly. The superintendent and civilian employees  
23 of the West Virginia State Police are not eligible for any  
24 supplemental payments.



1           (h) Each member of the West Virginia State Police, except the  
2 superintendent and civilian employees, shall execute, before  
3 entering upon the discharge of his or her duties, a bond with  
4 security in the sum of \$5,000 payable to the State of West  
5 Virginia, conditioned upon the faithful performance of his or her  
6 duties, and the bond shall be approved as to form by the Attorney  
7 General and as to sufficiency by the Governor.

8           (i) In consideration for compensation paid by the West  
9 Virginia State Police to its members during those members'  
10 participation in the West Virginia State Police Cadet Training  
11 Program pursuant to section eight, article twenty-nine, chapter  
12 thirty of this code, the West Virginia State Police may require of  
13 its members by written agreement entered into with each of them in  
14 advance of such participation in the program that, if a member  
15 should voluntarily discontinue employment any time within one year  
16 immediately following completion of the training program, he or she  
17 shall be obligated to pay to the West Virginia State Police a pro  
18 rata portion of such compensation equal to that part of such year  
19 which the member has chosen not to remain in the employ of the West  
20 Virginia State Police.

21           (j) Any member of the West Virginia State Police who is called  
22 to perform active duty training or inactive duty training in the  
23 National Guard or any reserve component of the Armed Forces of the  
24 United States annually shall be granted, upon request, leave time

1 not to exceed thirty calendar days for the purpose of performing  
2 the active duty training or inactive duty training and the time  
3 granted may not be deducted from any leave accumulated as a member  
4 of the West Virginia State Police.

NOTE: The purpose of this bill is to provide for an increase and establish a minimum number of troopers to provide basic law enforcement services. The bill further provides that members of the West Virginia State Police shall receive a \$580 salary increase at the end of two years of service.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.