

1 **ENGROSSED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4281**

5 (By Delegates White, Miley, Hunt, Poore, Skaff, Moore,
6 Fleischauer and Sobonya)
7

8 (Originating in the Committee on Finance)

9 [February 22, 2012]

10

11 A BILL to amend and reenact §15-2-5 of the Code fo West Virginia,
12 1931, as amended, relating to the supplemental pay of members
13 of the West Virginia State Police.

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

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

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

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
25 nonsupervisory members within the field operations force to the
26 ranks of trooper, senior trooper, trooper first class or corporal;

1 the classification of members assigned to the forensic laboratory
2 as criminalist I-VIII; and the temporary reclassification of
3 members assigned to administrative duties as administrative support
4 specialist I-VIII.

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

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

16 (d) Beginning on July 1, 2008, through June 30, 2011, members
17 shall receive annual salaries as follows:

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

19 **SUPERVISORY AND NONSUPERVISORY RANKS**

20 Cadet During Training	\$ 2,752 Mo.	\$ 33,024
21 Cadet Trooper After Training	3,357.33 Mo.	40,288
22 Trooper Second Year	41,296	
23 Trooper Third Year	41,679	
24 Senior Trooper	42,078	
25 Trooper First Class	42,684	

1 Corporal 43,290
2 Sergeant 47,591
3 First Sergeant 49,742
4 Second Lieutenant 51,892
5 First Lieutenant 54,043
6 Captain 56,194
7 Major 58,344
8 Lieutenant Colonel 60,495

9 ANNUAL SALARY SCHEDULE (BASE PAY)

10 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

11 I \$ 41,679
12 II 42,078
13 III 42,684
14 IV 43,290
15 V 47,591
16 VI 49,742
17 VII 51,892
18 VIII 54,043

19 ANNUAL SALARY SCHEDULE (BASE PAY)

20 CRIMINALIST CLASSIFICATION

21 I \$ 41,679
22 II 42,078
23 III 42,684
24 IV 43,290
25 V 47,591

1 VI 49,742

2 VII 51,892

3 VIII 54,043

4 Beginning on July 1, 2011, and continuing thereafter, members
5 shall receive annual salaries as follows:

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

7 **SUPERVISORY AND NONSUPERVISORY RANKS**

8 Cadet During Training \$ 2,833 Mo. \$ 33,994

9 Cadet Trooper After Training \$ 3,438 Mo. \$ 41,258

10 Trooper Second Year 42,266

11 Trooper Third Year 42,649

12 Senior Trooper 43,048

13 Trooper First Class 43,654

14 Corporal 44,260

15 Sergeant 48,561

16 First Sergeant 50,712

17 Second Lieutenant 52,862

18 First Lieutenant 55,013

19 Captain 57,164

20 Major 59,314

21 Lieutenant Colonel 61,465

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

23 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

24 I 42,266

25 II 43,048

1	III	43,654
2	IV	44,260
3	V	48,561
4	VI	50,712
5	VII	52,862
6	VIII	55,013

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

8 **CRIMINALIST CLASSIFICATION**

9	I	42,266
10	II	43,048
11	III	43,654
12	IV	44,260
13	V	48,561
14	VI	50,712
15	VII	52,862
16	VIII	55,013

17 Each member of the West Virginia State Police whose salary is
 18 fixed and specified in this annual salary schedule is entitled to
 19 the length of service increases set forth in subsection (e) of this
 20 section and supplemental pay as provided in subsection (g) of this
 21 section.

22 (e) Each member of the West Virginia State Police whose salary
 23 is fixed and specified pursuant to this section shall receive, and
 24 is entitled to, an increase in salary over that set forth in
 25 subsection (d) of this section for grade in rank, based on length
 26 of service, including that service served before and after the

1 effective date of this section with the West Virginia State Police
2 as follows: At the end of two years of service with the West
3 Virginia State Police, the member shall receive a salary increase
4 of \$400 to be effective during his or her next year of service and
5 a like increase at yearly intervals thereafter, with the increases
6 to be cumulative.

7 (f) In applying the salary schedules set forth in this section
8 where salary increases are provided for length of service, members
9 of the West Virginia State Police in service at the time the
10 schedules become effective shall be given credit for prior service
11 and shall be paid the salaries the same length of service entitles
12 them to receive under the provisions of this section.

13 (g) The Legislature finds and declares that because of the
14 unique duties of members of the West Virginia State Police, it is
15 not appropriate to apply the provisions of state wage and hour laws
16 to them. Accordingly, members of the West Virginia State Police
17 are excluded from the provisions of state wage and hour law. This
18 express exclusion shall not be construed as any indication that the
19 members were or were not covered by the wage and hour law prior to
20 this exclusion.

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

1 The authority of the superintendent to propose a legislative
2 rule or amendment thereto for promulgation in accordance with
3 article three, chapter twenty-nine-a of this code to establish the
4 number of hours per month which constitute the standard work month
5 for the members of the West Virginia State Police is hereby
6 continued. The rule shall further establish, on a graduated hourly
7 basis, the criteria for receipt of a portion or all of supplemental
8 payment when hours are worked in excess of the standard work month.
9 The superintendent shall certify monthly to the West Virginia State
10 Police's payroll officer the names of those members who have worked
11 in excess of the standard work month and the amount of their
12 entitlement to supplemental payment. The supplemental payment may
13 not exceed ~~\$236~~ \$400 monthly. The superintendent and civilian
14 employees of the West Virginia State Police are not eligible for
15 any supplemental payments.

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

23 (i) In consideration for compensation paid by the West
24 Virginia State Police to its members during those members'
25 participation in the West Virginia State Police Cadet Training
26 Program pursuant to section eight, article twenty-nine, chapter

1 thirty of this code, the West Virginia State Police may require of
2 its members by written agreement entered into with each of them in
3 advance of such participation in the program that, if a member
4 should voluntarily discontinue employment any time within one year
5 immediately following completion of the training program, he or she
6 shall be obligated to pay to the West Virginia State Police a pro
7 rata portion of such compensation equal to that part of such year
8 which the member has chosen not to remain in the employ of the West
9 Virginia State Police.

10 (j) Any member of the West Virginia State Police who is called
11 to perform active duty training or inactive duty training in the
12 National Guard or any reserve component of the Armed Forces of the
13 United States annually shall be granted, upon request, leave time
14 not to exceed thirty calendar days for the purpose of performing
15 the active duty training or inactive duty training and the time
16 granted may not be deducted from any leave accumulated as a member
17 of the West Virginia State Police.