

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4281**

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

8 [Passed March 9, 2012; in effect July 1, 2012.]
9

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

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

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

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

17 **§15-2-5. Career progression system; salaries; exclusion from wages
18 and hour law, with supplemental payment; bond; leave
19 time for members called to duty in guard or reserves.**

20 (a) The superintendent shall establish within the West
21 Virginia State Police a system to provide for: The promotion of
22 members to the supervisory ranks of sergeant, first sergeant,
23 second lieutenant and first lieutenant; the classification of
24 nonsupervisory members within the field operations force to the
25 ranks of trooper, senior trooper, trooper first class or corporal;
26 the classification of members assigned to the forensic laboratory

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

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

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

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

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19 Cadet During Training..	\$ 2,752.00 Mo.	\$ 33,024
20 Cadet Trooper After Training.	3,357.33 Mo.	40,288
21 Trooper Second Year..		41,296
22 Trooper Third Year.		41,679
23 Senior Trooper.		42,078
24 Trooper First Class..		42,684
25 Corporal.		43,290
26 Sergeant.		47,591

1 Virginia State Police, the member shall receive a salary increase
2 of \$400 to be effective during his or her next year of service and
3 a like increase at yearly intervals thereafter, with the increases
4 to be cumulative.

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

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

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

25 The authority of the superintendent to propose a legislative
26 rule or amendment thereto for promulgation in accordance with

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

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

21 (i) In consideration for compensation paid by the West
22 Virginia State Police to its members during those members'
23 participation in the West Virginia State Police Cadet Training
24 Program pursuant to section eight, article twenty-nine, chapter
25 thirty of this code, the West Virginia State Police may require of
26 its members by written agreement entered into with each of them in

1 advance of such participation in the program that, if a member
2 should voluntarily discontinue employment any time within one year
3 immediately following completion of the training program, he or she
4 shall be obligated to pay to the West Virginia State Police a pro
5 rata portion of such compensation equal to that part of such year
6 which the member has chosen not to remain in the employ of the West
7 Virginia State Police.

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