

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 111**

4 (By Senators Unger, D. Facemire, Williams and Klempa)

5 _____
6 [Originating in the Committee on Government Organization;
7 reported February 16, 2012.]
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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 State Police
12 staffing; increasing certain supplemental pay; and hiring and
13 maintaining a minimum number of state troopers.

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

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

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

18 **§15-2-3. State Police structure; how established.**

19 (a) The superintendent shall create, appoint and equip the
20 State Police which shall consist of the number of troops, districts
21 and detachments required for the proper administration of the State
22 Police. Each troop, district or detachment shall be composed of
23 the number of officers and members the superintendent determines
24 are necessary to meet operational needs and are required for the
25 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 2012 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, 2016.

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
25 nonsupervisory members within the field operations force to the

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

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

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

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

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

20 **SUPERVISORY AND NONSUPERVISORY RANKS**

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

1 Trooper First Class..	42,684
2 Corporal.	43,290
3 Sergeant.	47,591
4 First Sergeant.	49,742
5 Second Lieutenant..	51,892
6 First Lieutenant.	54,043
7 Captain..	56,194
8 Major..	58,344
9 Lieutenant Colonel.	60,495

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

11 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

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

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

21 **CRIMINALIST CLASSIFICATION**

22 I..	\$ 41,679
23 II	42,078
24 III..	42,684
25 IV	43,290

1	V..	47,591
2	VI	49,742
3	VII.. . . .	51,892
4	VIII	54,043

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

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

8 **SUPERVISORY AND NONSUPERVISORY RANKS**

9	Cadet During Training.. . . .	\$ 2,833 Mo.	\$ 33,994
10	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
11	Trooper Second Year.. . . .		42,266
12	Trooper Third Year.		42,649
13	Senior Trooper.		43,048
14	Trooper First Class.. . . .		43,654
15	Corporal.		44,260
16	Sergeant.		48,561
17	First Sergeant.		50,712
18	Second Lieutenant.. . . .		52,862
19	First Lieutenant.		55,013
20	Captain.. . . .		57,164
21	Major.. . . .		59,314
22	Lieutenant Colonel.		61,465

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

24 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

25	I.. . . .	42,266
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1	II	43,048
2	III..	43,654
3	IV	44,260
4	V..	48,561
5	VI	50,712
6	VII..	52,862
7	VIII	55,013

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

9 **CRIMINALIST CLASSIFICATION**

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

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

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

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

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

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

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

1 section.

2 The authority of the superintendent to propose a legislative
3 rule or amendment thereto for promulgation in accordance with
4 article three, chapter twenty-nine-a of this code to establish the
5 number of hours per month which constitute the standard work month
6 for the members of the West Virginia State Police is hereby
7 continued. The rule shall further establish, on a graduated hourly
8 basis, the criteria for receipt of a portion or all of supplemental
9 payment when hours are worked in excess of the standard work month.
10 The superintendent shall certify monthly to the West Virginia State
11 Police's payroll officer the names of those members who have worked
12 in excess of the standard work month and the amount of their
13 entitlement to supplemental payment. The supplemental payment may
14 not exceed ~~\$236~~ \$500 monthly. The superintendent and civilian
15 employees of the West Virginia State Police are not eligible for
16 any supplemental payments.

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

24 (i) In consideration for compensation paid by the West
25 Virginia State Police to its members during those members'
26 participation in the West Virginia State Police Cadet Training

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

11 (j) Any member of the West Virginia State Police who is called
12 to perform active duty training or inactive duty training in the
13 National Guard or any Reserve component of the Armed Forces of the
14 United States annually shall be granted, upon request, leave time
15 not to exceed thirty calendar days for the purpose of performing
16 the active duty training or inactive duty training and the time
17 granted may not be deducted from any leave accumulated as a member
18 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.