

Senate Bill No. 383

(By Senators Unger, Beach, Kessler (Mr. President) and Klempa)

[Introduced January 23, 2012; referred to the Committee on
Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the supplemental pay of members of the West Virginia State Police in lieu of overtime pay.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

(a) The superintendent shall establish within the West Virginia State Police a system to provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant,

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

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

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

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

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

22 **SUPERVISORY AND NONSUPERVISORY RANKS**

23 Cadet During Training. \$ 2,752 Mo. \$ 33,024

1	Cadet Trooper After Training.	3,357.33 Mo.	40,288
2	Trooper Second Year.. . . .		41,296
3	Trooper Third Year.		41,679
4	Senior Trooper.		42,078
5	Trooper First Class.. . . .		42,684
6	Corporal.		43,290
7	Sergeant.		47,591
8	First Sergeant.		49,742
9	Second Lieutenant.. . . .		51,892
10	First Lieutenant.		54,043
11	Captain.. . . .		56,194
12	Major.. . . .		58,344
13	Lieutenant Colonel.		60,495

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

15 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

16	I.. . . .	\$	41,679
17	II		42,078
18	III.. . . .		42,684
19	IV		43,290
20	V.. . . .		47,591
21	VI		49,742
22	VII.. . . .		51,892
23	VIII		54,043

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

CRIMINALIST CLASSIFICATION

1		
2	I..	\$ 41,679
3	II	42,078
4	III.. . . .	42,684
5	IV	43,290
6	V..	47,591
7	VI	49,742
8	VII.. . . .	51,892
9	VIII	54,043

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

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

14	Cadet During Training.. . . .	\$ 2,833 Mo.	\$ 33,994
15	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
16	Trooper Second Year.. . . .		42,266
17	Trooper Third Year.		42,649
18	Senior Trooper.		43,048
19	Trooper First Class.. . . .		43,654
20	Corporal.		44,260
21	Sergeant.		48,561
22	First Sergeant.		50,712
23	Second Lieutenant.. . . .		52,862
24	First Lieutenant.		55,013

1	Captain..	57,164
2	Major..	59,314
3	Lieutenant Colonel.	61,465

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

5 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

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

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

15 **CRIMINALIST CLASSIFICATION**

16	I..	42,266
17	II.	43,048
18	III..	43,654
19	IV	44,260
20	V..	48,561
21	VI	50,712
22	VII..	52,862
23	VIII	55,013

1 Each member of the West Virginia State Police whose salary is
2 fixed and specified in this annual salary schedule is entitled to
3 the length of service increases set forth in subsection (e) of this
4 section and supplemental pay as provided in subsection (g) of this
5 section.

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

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

23 (g) The Legislature finds and declares that because of the
24 unique duties of members of the West Virginia State Police, it is

1 not appropriate to apply the provisions of state wage and hour laws
2 to them. Accordingly, members of the West Virginia State Police
3 are excluded from the provisions of state wage and hour law. This
4 express exclusion shall not be construed as any indication that the
5 members were or were not covered by the wage and hour law prior to
6 this exclusion.

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

13 The authority of the superintendent to propose a legislative
14 rule or amendment thereto for promulgation in accordance with
15 article three, chapter twenty-nine-a of this code to establish the
16 number of hours per month which constitute the standard work month
17 for the members of the West Virginia State Police is hereby
18 continued. The rule shall further establish, on a graduated hourly
19 basis, the criteria for receipt of a portion or all of supplemental
20 payment when hours are worked in excess of the standard work month.
21 The superintendent shall certify monthly to the West Virginia State
22 Police's payroll officer the names of those members who have worked
23 in excess of the standard work month and the amount of their
24 entitlement to supplemental payment. The supplemental payment may

1 not exceed ~~\$236~~ \$400 monthly. The superintendent and civilian
2 employees of the West Virginia State Police are not eligible for
3 any supplemental payments.

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

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

24 (j) Any member of the West Virginia State Police who is called

1 to perform active duty training or inactive duty training in the
2 National Guard or any reserve component of the Armed Forces of the
3 United States annually shall be granted, upon request, leave time
4 not to exceed thirty calendar days for the purpose of performing
5 the active duty training or inactive duty training and the time
6 granted may not be deducted from any leave accumulated as a member
7 of the West Virginia State Police.

NOTE: The purpose of this bill is to increase the supplemental payment to members of the West Virginia State Police.

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