

Senate Bill No. 389

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

[Introduced January 23, 2012; referred to the Committee on
Government Organization; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West
Virginia, 1931, as amended, all relating to maintaining a
minimum of eight hundred state troopers by July 1, 2016; and
increasing the salary increase received at the end of two
years of service with the West Virginia State Police to \$580.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WEST VIRGINIA STATE POLICE.

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

(a) The superintendent shall create, appoint and equip the
State Police which shall consist of the number of troops, districts
and detachments required for the proper administration of the State

1 Police. Each troop, district or detachment shall be composed of
2 the number of officers and members the superintendent determines
3 are necessary to meet operational needs and are required for the
4 efficient operation of the State Police.

5 (b) Notwithstanding the provisions of any other section of
6 this code and pursuant to amendments made to this section during
7 the 2012 regular session of the Legislature, the superintendent
8 shall implement a program to increase the number of state troopers
9 in the state to attain and maintain a minimum number of eight
10 hundred state troopers by July 1, 2016.

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

22 **§15-2-5. Career progression system; salaries; exclusion from wages**
23 **and hour law, with supplemental payment; bond; leave**
24 **time for members called to duty in guard or reserves.**

1 (a) The superintendent shall establish within the West
2 Virginia State Police a system to provide for: The promotion of
3 members to the supervisory ranks of sergeant, first sergeant,
4 second lieutenant and first lieutenant; the classification of
5 nonsupervisory members within the field operations force to the
6 ranks of trooper, senior trooper, trooper first class or corporal;
7 the classification of members assigned to the forensic laboratory
8 as criminalist I-VIII; and the temporary reclassification of
9 members assigned to administrative duties as administrative support
10 specialist I-VIII.

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

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

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

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

1 SUPERVISORY AND NONSUPERVISORY RANKS

2	Cadet During Training.	\$ 2,752 Mo.	\$ 33,024
3	Cadet Trooper After Training.	3,357.33 Mo.	40,288
4	Trooper Second Year.. . . .		41,296
5	Trooper Third Year.		41,679
6	Senior Trooper.		42,078
7	Trooper First Class.. . . .		42,684
8	Corporal.		43,290
9	Sergeant.		47,591
10	First Sergeant.		49,742
11	Second Lieutenant.. . . .		51,892
12	First Lieutenant.		54,043
13	Captain.. . . .		56,194
14	Major.. . . .		58,344
15	Lieutenant Colonel.		60,495

16 ANNUAL SALARY SCHEDULE (BASE PAY)

17 ADMINISTRATION SUPPORT

18 SPECIALIST CLASSIFICATION

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

1	Corporal.	44,260
2	Sergeant.	48,561
3	First Sergeant.	50,712
4	Second Lieutenant.. . . .	52,862
5	First Lieutenant.	55,013
6	Captain.. . . .	57,164
7	Major.. . . .	59,314
8	Lieutenant Colonel.	61,465
9	ANNUAL SALARY SCHEDULE (BASE PAY)	
10	ADMINISTRATION SUPPORT	
11	SPECIALIST CLASSIFICATION	
12	I.. . . .	42,266
13	II	43,048
14	III.. . . .	43,654
15	IV	44,260
16	V.. . . .	48,561
17	VI	50,712
18	VII.. . . .	52,862
19	VIII	55,013
20	ANNUAL SALARY SCHEDULE (BASE PAY)	
21	CRIMINALIST CLASSIFICATION	
22	I.. . . .	42,266
23	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 Each member of the West Virginia State Police whose salary is
8 fixed and specified in this annual salary schedule is entitled to
9 the length of service increases set forth in subsection (e) of this
10 section and supplemental pay as provided in subsection (g) of this
11 section.

12 (e) Each member of the West Virginia State Police whose salary
13 is fixed and specified pursuant to this section shall receive, and
14 is entitled to, an increase in salary over that set forth in
15 subsection (d) of this section for grade in rank, based on length
16 of service, including that service served before and after the
17 effective date of this section with the West Virginia State Police
18 as follows: At the ~~end of two years~~ beginning of the first year of
19 service with the West Virginia State Police, the member shall
20 receive a salary increase of ~~\$400 to be effective during his or her~~
21 ~~next year of service~~ \$580 and a like increase at yearly intervals
22 thereafter, with the increases to be cumulative.

23 (f) In applying the salary schedules set forth in this section
24 where salary increases are provided for length of service, members

1 of the West Virginia State Police in service at the time the
2 schedules become effective shall be given credit for prior service
3 and shall be paid the salaries the same length of service entitles
4 them to receive under the provisions of this section.

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

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

19 The authority of the superintendent to propose a legislative
20 rule or amendment thereto for promulgation in accordance with
21 article three, chapter twenty-nine-a of this code to establish the
22 number of hours per month which constitute the standard work month
23 for the members of the West Virginia State Police is hereby
24 continued. The rule shall further establish, on a graduated hourly

1 basis, the criteria for receipt of a portion or all of supplemental
2 payment when hours are worked in excess of the standard work month.
3 The superintendent shall certify monthly to the West Virginia State
4 Police's payroll officer the names of those members who have worked
5 in excess of the standard work month and the amount of their
6 entitlement to supplemental payment. The supplemental payment may
7 not exceed \$236 monthly. The superintendent and civilian employees
8 of the West Virginia State Police are not eligible for any
9 supplemental payments.

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

17 (i) In consideration for compensation paid by the West
18 Virginia State Police to its members during those members'
19 participation in the West Virginia State Police Cadet Training
20 Program pursuant to section eight, article twenty-nine, chapter
21 thirty of this code, the West Virginia State Police may require of
22 its members by written agreement entered into with each of them in
23 advance of such participation in the program that, if a member
24 should voluntarily discontinue employment any time within one year

1 immediately following completion of the training program, he or she
2 shall be obligated to pay to the West Virginia State Police a pro
3 rata portion of such compensation equal to that part of such year
4 which the member has chosen not to remain in the employ of the West
5 Virginia State Police.

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

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