

Senate Bill No. 627

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(By Senators Snyder, D. Facemire, Edgell, Browning, Kessler (Mr. President), Unger, Miller, Barnes, Klempa, Green and Plymale)

[Introduced February 17, 2012; referred to the Committee on Government Organization; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, relating to the State Police; increasing the salary of forensic lab employees \$10,000 per year; and increasing the salary of general civilian employees \$4,000 per year.

Be it enacted by the Legislature of West Virginia:

That §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. 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

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

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

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

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

23 **ANNUAL SALARY SCHEDULE (BASE PAY)**
24 **SUPERVISORY AND NONSUPERVISORY RANKS**

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

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

16 **ADMINISTRATION SUPPORT**

17 **SPECIALIST CLASSIFICATION**

18	I.		\$ 41,679
19	II		42,078
20	III.		42,684
21	IV		43,290
22	V.		47,591
23	VI		49,742

1	VII..	51,892
2	VIII	54,043

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

4 **CRIMINALIST CLASSIFICATION**

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

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

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

16 **SUPERVISORY AND NONSUPERVISORY RANKS**

17	Cadet During Training..	\$ 2,833 Mo.	\$ 33,994
18	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
19	Trooper Second Year..		42,266
20	Trooper Third Year.		42,649
21	Senior Trooper.		43,048
22	Trooper First Class..		43,654
23	Corporal.		44,260

1	Sergeant.	48,561
2	First Sergeant.	50,712
3	Second Lieutenant.. . . .	52,862
4	First Lieutenant.	55,013
5	Captain.. . . .	57,164
6	Major.. . . .	59,314
7	Lieutenant Colonel.	61,465

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

9 **ADMINISTRATION SUPPORT**

10 **SPECIALIST CLASSIFICATION**

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

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

20 **CRIMINALIST CLASSIFICATION**

21	I..	42,266 <u>52,266</u>
22	II.. . . .	43,048 <u>53,048</u>
23	III.. . . .	43,654 <u>53,654</u>

1 schedules become effective shall be given credit for prior service
2 and shall be paid the salaries the same length of service entitles
3 them to receive under the provisions of this section.

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

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

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

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

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

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

1 shall be obligated to pay to the West Virginia State Police a pro
2 rata portion of such compensation equal to that part of such year
3 which the member has chosen not to remain in the employ of the West
4 Virginia State Police.

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

13 **§15-2-7. Cadet selection board; qualifications for and appointment**
14 **to membership in State Police; civilian employees.**

15 (a) The superintendent shall establish within the West
16 Virginia State Police a cadet selection board which shall be
17 representative of commissioned and noncommissioned officers within
18 the State Police.

19 (b) The superintendent shall appoint a member to the position
20 of trooper from among the top three names on the current list of
21 eligible applicants established by the cadet selection board.

22 (c) Preference in making appointments shall be given whenever
23 possible to honorably discharged members of the Armed Forces of the
24 United States and to residents of West Virginia. Each applicant

1 for appointment shall be a person not less than twenty-one years of
2 age nor more than thirty-nine years of age, of sound constitution
3 and good moral character; is required to pass any mental and
4 physical examination; and meet other requirements as provided in
5 rules promulgated by the cadet selection board: *Provided*, That a
6 former member may, at the discretion of the superintendent, be
7 reenlisted.

8 (d) No person may be barred from becoming a member of the
9 State Police because of his or her religious or political
10 convictions.

11 (e) The superintendent shall adhere to the principles of equal
12 employment opportunity set forth in article eleven, chapter five of
13 this code and shall take positive steps to encourage applications
14 for State Police membership from females and minority groups within
15 the state. An annual report shall be filed with the Legislature on
16 or before January 1 of each year by the superintendent which
17 includes a summary of the efforts and the effectiveness of those
18 efforts intended to recruit females, African-Americans and other
19 minorities into the ranks of the State Police.

20 (f) Except for the superintendent, no person may be appointed
21 or enlisted to membership in the State Police at a grade or rank
22 above the grade of trooper.

23 (g) The superintendent shall appoint civilian employees as are
24 necessary and all employees may be included in the classified

1 service of the civil service system except those in positions
2 exempt under the provisions of article six, chapter twenty-nine of
3 this code.

4 (h) Effective July 1, 2001, civilian employees with a minimum
5 of five years' service shall receive a salary increase equal to
6 \$100 a year for each year of service as a civilian employee. Every
7 three years thereafter, civilian employees who have five or more
8 years of service shall receive an annual salary increase of \$300.
9 The increases in salary provided by this subsection are in addition
10 to any other increases to which the civilian employees might
11 otherwise be entitled.

12 (i) Effective July 1, 2012, civilian employees shall receive
13 a salary increase of \$4,000. The increase in salary provided by
14 this subsection is in addition to any other increases to which the
15 civilian employees might otherwise be entitled.

NOTE: The purpose of this bill is to increase the State Police forensic lab tech salary \$10,000 per year; and to increase the salary of civilian employees by \$4,000 per year.

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