

COMMITTEE SUBSTITUTE

FOR

H. B. 4281

(BY DELEGATES WHITE, MILEY, HUNT, POORE, SKAFF, MOORE,
FLEISCHAUER AND SOBONYA)

(Originating in the Committee on Finance)
[February 22, 2012]

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

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.

- 1 (a) The superintendent shall establish within the West
- 2 Virginia State Police a system to provide for: The promotion

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

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

17 (c) The superintendent shall provide to each member a
18 written manual governing any system established under the
19 provisions of this section and specific procedures shall be
20 identified for the evaluation and testing of members for

21 promotion or reclassification and the subsequent placement
22 of any members on a promotional eligibility or
23 reclassification recommendation list.

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

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

27 **SUPERVISORY AND NONSUPERVISORY RANKS**

28	Cadet During Training	\$ 2,752 Mo.	\$ 33,024
29	Cadet Trooper After Training	3,357.33 Mo.	40,288
30	Trooper Second Year		41,296
31	Trooper Third Year		41,679
32	Senior Trooper		42,078
33	Trooper First Class		42,684
34	Corporal		43,290
35	Sergeant		47,591
36	First Sergeant		49,742
37	Second Lieutenant		51,892
38	First Lieutenant		54,043

39	Captain	56,194
40	Major	58,344
41	Lieutenant Colonel	60,495

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

43 **ADMINISTRATION SUPPORT SPECIALIST**

44 **CLASSIFICATION**

45	I	\$ 41,679
46	II	42,078
47	III	42,684
48	IV	43,290
49	V	47,591
50	VI	49,742
51	VII	51,892
52	VIII	54,043

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

54 **CRIMINALIST CLASSIFICATION**

55	I	\$ 41,679
56	II	42,078
57	III	42,684

58 IV 43,290

59 V 47,591

60 VI 49,742

61 VII 51,892

62 VIII 54,043

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

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

66 **SUPERVISORY AND NONSUPERVISORY RANKS**

67 Cadet During Training \$ 2,833 Mo. \$ 33,994

68 Cadet Trooper After Training \$ 3,438 Mo. \$ 41,258

69 Trooper Second Year 42,266

70 Trooper Third Year 42,649

71 Senior Trooper 43,048

72 Trooper First Class 43,654

73 Corporal 44,260

74 Sergeant 48,561

75 First Sergeant 50,712

76 Second Lieutenant 52,862

77	First Lieutenant	55,013
78	Captain	57,164
79	Major	59,314
80	Lieutenant Colonel	61,465

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

82 **ADMINISTRATION SUPPORT SPECIALIST**

83 **CLASSIFICATION**

84	I	42,266
85	II	43,048
86	III	43,654
87	IV	44,260
88	V	48,561
89	VI	50,712
90	VII	52,862
91	VIII	55,013

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

93 **CRIMINALIST CLASSIFICATION**

94	I	42,266
95	II	43,048

96 III 43,654
97 IV 44,260
98 V 48,561
99 VI 50,712
100 VII 52,862
101 VIII 55,013

102 Each member of the West Virginia State Police whose
103 salary is fixed and specified in this annual salary schedule is
104 entitled to the length of service increases set forth in
105 subsection (e) of this section and supplemental pay as
106 provided in subsection (g) of this section.

107 (e) Each member of the West Virginia State Police whose
108 salary is fixed and specified pursuant to this section shall
109 receive, and is entitled to, an increase in salary over that set
110 forth in subsection (d) of this section for grade in rank, based
111 on length of service, including that service served before and
112 after the effective date of this section with the West Virginia
113 State Police as follows: At the end of two years of service
114 with the West Virginia State Police, the member shall receive

115 a salary increase of \$400 to be effective during his or her next
116 year of service and a like increase at yearly intervals
117 thereafter, with the increases to be cumulative.

118 (f) In applying the salary schedules set forth in this section
119 where salary increases are provided for length of service,
120 members of the West Virginia State Police in service at the time
121 the schedules become effective shall be given credit for prior
122 service and shall be paid the salaries the same length of service
123 entitles them to receive under the provisions of this section.

124 (g) The Legislature finds and declares that because of the
125 unique duties of members of the West Virginia State Police,
126 it is not appropriate to apply the provisions of state wage and
127 hour laws to them. Accordingly, members of the West
128 Virginia State Police are excluded from the provisions of
129 state wage and hour law. This express exclusion shall not be
130 construed as any indication that the members were or were
131 not covered by the wage and hour law prior to this exclusion.

132 In lieu of any overtime pay they might otherwise have
133 received under the wage and hour law, and in addition to

134 their salaries and increases for length of service, members
135 who have completed basic training and who are exempt from
136 federal Fair Labor Standards Act guidelines may receive
137 supplemental pay as provided in this section.

138 The authority of the superintendent to propose a
139 legislative rule or amendment thereto for promulgation in
140 accordance with article three, chapter twenty-nine-a of this
141 code to establish the number of hours per month which
142 constitute the standard work month for the members of the
143 West Virginia State Police is hereby continued. The rule
144 shall further establish, on a graduated hourly basis, the
145 criteria for receipt of a portion or all of supplemental payment
146 when hours are worked in excess of the standard work month.
147 The superintendent shall certify monthly to the West Virginia
148 State Police's payroll officer the names of those members
149 who have worked in excess of the standard work month and
150 the amount of their entitlement to supplemental payment.
151 The supplemental payment may not exceed ~~\$236~~ \$300
152 monthly. The superintendent and civilian employees of the

153 West Virginia State Police are not eligible for any
154 supplemental payments.

155 (h) Each member of the West Virginia State Police,
156 except the superintendent and civilian employees, shall
157 execute, before entering upon the discharge of his or her
158 duties, a bond with security in the sum of \$5,000 payable to
159 the State of West Virginia, conditioned upon the faithful
160 performance of his or her duties, and the bond shall be
161 approved as to form by the Attorney General and as to
162 sufficiency by the Governor.

163 (i) In consideration for compensation paid by the West
164 Virginia State Police to its members during those members'
165 participation in the West Virginia State Police Cadet Training
166 Program pursuant to section eight, article twenty-nine,
167 chapter thirty of this code, the West Virginia State Police
168 may require of its members by written agreement entered into
169 with each of them in advance of such participation in the
170 program that, if a member should voluntarily discontinue
171 employment any time within one year immediately following

172 completion of the training program, he or she shall be
173 obligated to pay to the West Virginia State Police a pro rata
174 portion of such compensation equal to that part of such year
175 which the member has chosen not to remain in the employ of
176 the West Virginia State Police.

177 (j) Any member of the West Virginia State Police who is
178 called to perform active duty training or inactive duty training
179 in the National Guard or any reserve component of the
180 Armed Forces of the United States annually shall be granted,
181 upon request, leave time not to exceed thirty calendar days
182 for the purpose of performing the active duty training or
183 inactive duty training and the time granted may not be
184 deducted from any leave accumulated as a member of the
185 West Virginia State Police.