

Senate Bill No. 345

(By Senators Unger, Kessler (Mr. President), Miller, Williams,
Boley, Beach, Snyder, Cann, D. Hall, Jenkins, Yost, Stollings,
Plymale, Fitzsimmons, Tucker and Wells)

[Introduced February 22, 2013; 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, 2018; and
requiring members of the West Virginia State Police to receive
a \$580 salary increase at the beginning of their first year of
service.

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 2013 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, 2018.

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
14 twenty-nine-a of this code. The superintendent shall provide
15 adequate facilities for the training of all members of the State
16 Police and shall prescribe basic training requirements for newly
17 enlisted members. He or she shall also provide advanced or
18 in-service training from time to time for all members of the State
19 Police. The superintendent shall hold training classes for other
20 peace officers in the state without cost to those officers, except
21 actual 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
13 twenty-nine-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..	\$ 2,752.00 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 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
24	VII.. . . .	51,892

1 VIII 54,043

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

3 **CRIMINALIST CLASSIFICATION**

4 I.. . . . \$ 41,679

5 II 42,078

6 III.. . . . 42,684

7 IV 43,290

8 V.. . . . 47,591

9 VI 49,742

10 VII.. . . . 51,892

11 VIII 54,043

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

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

15 **SUPERVISORY AND NONSUPERVISORY RANKS**

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

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

18 Trooper Second Year.. . . . 42,266

19 Trooper Third Year. 42,649

20 Senior Trooper. 43,048

21 Trooper First Class.. . . . 43,654

22 Corporal. 44,260

23 Sergeant. 48,561

24 First Sergeant. 50,712

1	Second Lieutenant..	52,862
2	First Lieutenant.	55,013
3	Captain..	57,164
4	Major..	59,314
5	Lieutenant Colonel.	61,465

6 ANNUAL SALARY SCHEDULE (BASE PAY)

7 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

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

16 ANNUAL SALARY SCHEDULE (BASE PAY)

17 CRIMINALIST CLASSIFICATION

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

1 VIII. 55,013

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

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

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

24 (g) The Legislature finds and declares that because of the

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

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

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

1 entitlement to supplemental payment. The supplemental payment may
2 not exceed \$400 monthly. The superintendent and civilian employees
3 of the West Virginia State Police are not eligible for any
4 supplemental payments.

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

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

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