

H. B. 4256

(By Mr. Speaker, (Mr. Miley) and Delegate Armstead)
[By Request of the Executive]
[Introduced January 22, 2014; 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 amending the annual salary schedule for members of the State Police beginning on July 1, 2014, and continuing thereafter.

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
10 twenty-nine-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..	\$ 2,752.00 Mo.	\$ 33,024
24	Cadet Trooper After Training..	—3,357.33 Mo.—	40,288

1	Trooper Second Year.	41,296
2	Trooper Third Year.	41,679
3	Senior Trooper.	42,078
4	Trooper First Class.	42,684
5	Corporal.	43,290
6	Sergeant.	47,591
7	First Sergeant.	49,742
8	Second Lieutenant.	51,892
9	First Lieutenant.	54,043
10	Captain.	56,194
11	Major.	58,344
12	Lieutenant Colonel.	60,495
13	ANNUAL SALARY SCHEDULE (BASE PAY)	
14	ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION	
15	I.	\$ 41,679
16	II.	42,078
17	III.	42,684
18	IV.	43,290
19	V.	47,591
20	VI.	49,742
21	VII.	51,892
22	VIII.	54,043
23	ANNUAL SALARY SCHEDULE (BASE PAY)	
24	CRIMINALIST CLASSIFICATION	

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

9 (d) Beginning on July 1, 2011, ~~and continuing thereafter~~
10 through June 30, 2014, members shall receive annual salaries as
11 follows:

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

13 **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

24 Beginning on July 1, 2014, and continuing thereafter, members

1 shall receive annual salaries as follows:

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

3 **SUPERVISORY AND NONSUPERVISORY RANKS**

4	<u>Cadet During Training..</u>	<u>\$2,874.84 Mo.</u>	<u>\$ 34,498</u>
5	<u>Cadet Trooper After Training.</u>	<u>\$3,480.17 Mo.</u>	<u>\$ 41,762</u>
6	<u>Trooper Second Year..</u>		<u>42,770</u>
7	<u>Trooper Third Year.</u>		<u>43,153</u>
8	<u>Senior Trooper.</u>		<u>43,552</u>
9	<u>Trooper First Class..</u>		<u>44,158</u>
10	<u>Corporal.</u>		<u>44,764</u>
11	<u>Sergeant.</u>		<u>49,065</u>
12	<u>First Sergeant.</u>		<u>51,216</u>
13	<u>Second Lieutenant..</u>		<u>53,366</u>
14	<u>First Lieutenant.</u>		<u>55,517</u>
15	<u>Captain..</u>		<u>57,668</u>
16	<u>Major..</u>		<u>59,818</u>
17	<u>Lieutenant Colonel.</u>		<u>61,969</u>

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

19 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

20	<u>I..</u>	<u>42,770</u>
21	<u>II</u>	<u>43,552</u>
22	<u>III..</u>	<u>44,158</u>
23	<u>IV</u>	<u>44,764</u>
24	<u>V..</u>	<u>49,065</u>

1 VI 51,216

2 VII.. . . . 53,366

3 VIII. 55,517

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

5 **CRIMINALIST CLASSIFICATION**

6 I.. . . . 42,770

7 II. 43,552

8 III.. . . . 44,158

9 IV. 44,764

10 V.. . . . 49,065

11 VI. 51,216

12 VII.. . . . 53,366

13 VIII. 55,517

14 Each member of the West Virginia State Police whose salary is

15 fixed and specified in this annual salary schedule is entitled to

16 the length of service increases set forth in subsection (e) of this

17 section and supplemental pay as provided in subsection (g) of this

18 section.

19 (e) Each member of the West Virginia State Police whose salary

20 is fixed and specified pursuant to this section shall receive, and

21 is entitled to, an increase in salary over that set forth in

22 subsection (d) of this section for grade in rank, based on length

23 of service, including that service served before and after the

24 effective date of this section with the West Virginia State Police

1 as follows: At the end of two years of service with the West
2 Virginia State Police, the member shall receive a salary increase
3 of \$400 to be effective during his or her next year of service and
4 a like increase at yearly intervals thereafter, with the increases
5 to be cumulative.

6 (f) In applying the salary schedules set forth in this section
7 where salary increases are provided for length of service, members
8 of the West Virginia State Police in service at the time the
9 schedules become effective shall be given credit for prior service
10 and shall be paid the salaries the same length of service entitles
11 them to receive under the provisions of this section.

12 (g) The Legislature finds and declares that because of the
13 unique duties of members of the West Virginia State Police, it is
14 not appropriate to apply the provisions of state wage and hour laws
15 to them. Accordingly, members of the West Virginia State Police
16 are excluded from the provisions of state wage and hour law. This
17 express exclusion shall not be construed as any indication that the
18 members were or were not covered by the wage and hour law prior to
19 this exclusion.

20 In lieu of any overtime pay they might otherwise have received
21 under the wage and hour law, and in addition to their salaries and
22 increases for length of service, members who have completed basic
23 training and who are exempt from federal Fair Labor Standards Act
24 guidelines may receive supplemental pay as provided in this

1 section.

2 The authority of the superintendent to propose a legislative
3 rule or amendment thereto for promulgation in accordance with
4 article three, chapter twenty-nine-a of this code to establish the
5 number of hours per month which constitute the standard work month
6 for the members of the West Virginia State Police is hereby
7 continued. The rule shall further establish, on a graduated hourly
8 basis, the criteria for receipt of a portion or all of supplemental
9 payment when hours are worked in excess of the standard work month.
10 The superintendent shall certify monthly to the West Virginia State
11 Police's payroll officer the names of those members who have worked
12 in excess of the standard work month and the amount of their
13 entitlement to supplemental payment. The supplemental payment may
14 not exceed \$400 monthly. The superintendent and civilian employees
15 of the West Virginia State Police are not eligible for any
16 supplemental payments.

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

24 (i) In consideration for compensation paid by the West

1 Virginia State Police to its members during those members'
2 participation in the West Virginia State Police Cadet Training
3 Program pursuant to section eight, article twenty-nine, chapter
4 thirty of this code, the West Virginia State Police may require of
5 its members by written agreement entered into with each of them in
6 advance of such participation in the program that, if a member
7 should voluntarily discontinue employment any time within one year
8 immediately following completion of the training program, he or she
9 shall be obligated to pay to the West Virginia State Police a pro
10 rata portion of such compensation equal to that part of such year
11 which the member has chosen not to remain in the employ of the West
12 Virginia State Police.

13 (j) Any member of the West Virginia State Police who is called
14 to perform active duty training or inactive duty training in the
15 National Guard or any reserve component of the Armed Forces of the
16 United States annually shall be granted, upon request, leave time
17 not to exceed thirty calendar days for the purpose of performing the
18 active duty training or inactive duty training and the time granted
19 may not be deducted from any leave accumulated as a member of the
20 West Virginia State Police.

NOTE: The purpose of this bill is to amend by increasing the annual salary schedule for members beginning July 1, 2014, and continuing thereafter.

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

be added.