

1 ENROLLED

2 **H. B. 4256**

3  
4 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

5 [By Request of the Executive]

6  
7 [Passed March 8, 2014; in effect ninety days from passage.]

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9  
10 AN ACT to amend and reenact §15-2-5 of the Code of West Virginia,  
11 1931, as amended, relating to increasing the longevity pay for  
12 members of the State Police.

13 *Be it enacted by the Legislature of West Virginia:*

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

16 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

17 **§15-2-5. Career progression system; salaries; exclusion from wages**  
18 **and hour law, with supplemental payment; bond; leave**  
19 **time for members called to duty in guard or reserves.**

20 (a) The superintendent shall establish within the West  
21 Virginia State Police a system to provide for: The promotion of  
22 members to the supervisory ranks of sergeant, first sergeant,  
23 second lieutenant and first lieutenant; the classification of

1 nonsupervisory members within the field operations force to the  
2 ranks of trooper, senior trooper, trooper first class or corporal;  
3 the classification of members assigned to the forensic laboratory  
4 as criminalist I-VIII; and the temporary reclassification of  
5 members assigned to administrative duties as administrative support  
6 specialist I-VIII.

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

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

18 (d) Beginning on July 1, 2011, members shall receive  
19 annual salaries as follows:

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

21 **SUPERVISORY AND NONSUPERVISORY RANKS**

22 Cadet During Training	\$ 2,833 Mo.	\$ 33,994
23 Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
24 Trooper Second Year.. . . . .		42,266

1 Trooper Third Year. . . . .	42,649
2 Senior Trooper. . . . .	43,048
3 Trooper First Class.. . . .	43,654
4 Corporal. . . . .	44,260
5 Sergeant. . . . .	48,561
6 First Sergeant. . . . .	50,712
7 Second Lieutenant.. . . .	52,862
8 First Lieutenant. . . . .	55,013
9 Captain.. . . .	57,164
10 Major.. . . .	59,314
11 Lieutenant Colonel. . . . .	61,465
12 <b>ANNUAL SALARY SCHEDULE (BASE PAY)</b>	
13 <b>ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION</b>	
14 I.. . . .	42,266
15 II .. . . .	43,048
16 III.. . . .	43,654
17 IV .. . . .	44,260
18 V.. . . .	48,561
19 VI .. . . .	50,712
20 VII.. . . .	52,862
21 VIII. . . . .	55,013
22 <b>ANNUAL SALARY SCHEDULE (BASE PAY)</b>	
23 <b>CRIMINALIST CLASSIFICATION</b>	

1	I.. . . . .	42,266
2	II. . . . .	43,048
3	III.. . . . .	43,654
4	IV. . . . .	44,260
5	V.. . . . .	48,561
6	VI. . . . .	50,712
7	VII.. . . . .	52,862
8	VIII. . . . .	55,013

9       Each member of the West Virginia State Police whose salary is  
10 fixed and specified in this annual salary schedule is entitled to  
11 the length of service increases set forth in subsection (e) of this  
12 section and supplemental pay as provided in subsection (g) of this  
13 section.

14       (e) Each member of the West Virginia State Police whose salary  
15 is fixed and specified pursuant to this section shall receive, and  
16 is entitled to, an increase in salary over that set forth in  
17 subsection (d) of this section for grade in rank, based on length  
18 of service, including that service served before and after the  
19 effective date of this section with the West Virginia State Police  
20 as follows: Beginning on January 1, 2015 and continuing thereafter,  
21 at the end of two years of service with the West Virginia State  
22 Police, the member shall receive a salary increase of \$500 to be  
23 effective during his or her next year of service and a like  
24 increase at yearly intervals thereafter, with the increases to be

1 cumulative.

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

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

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

22       The authority of the superintendent to propose a legislative  
23 rule or amendment thereto for promulgation in accordance with  
24 article three, chapter twenty-nine-a of this code to establish the

1 number of hours per month which constitute the standard work month  
2 for the members of the West Virginia State Police is hereby  
3 continued. The rule shall further establish, on a graduated hourly  
4 basis, the criteria for receipt of a portion or all of supplemental  
5 payment when hours are worked in excess of the standard work month.  
6 The superintendent shall certify monthly to the West Virginia State  
7 Police's payroll officer the names of those members who have worked  
8 in excess of the standard work month and the amount of their  
9 entitlement to supplemental payment. The supplemental payment may  
10 not exceed \$400 monthly. The superintendent and civilian employees  
11 of the West Virginia State Police are not eligible for any  
12 supplemental payments.

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

20 (i) In consideration for compensation paid by the West  
21 Virginia State Police to its members during those members'  
22 participation in the West Virginia State Police Cadet Training  
23 Program pursuant to section eight, article twenty-nine, chapter  
24 thirty of this code, the West Virginia State Police may require of

1 its members by written agreement entered into with each of them in  
2 advance of such participation in the program that, if a member  
3 should voluntarily discontinue employment any time within one year  
4 immediately following completion of the training program, he or she  
5 shall be obligated to pay to the West Virginia State Police a pro  
6 rata portion of such compensation equal to that part of such year  
7 which the member has chosen not to remain in the employ of the West  
8 Virginia State Police.

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