

Senate Bill No. 392

(By Senators Kessler (Mr. President) and M. Hall,

By Request of the Executive)

[Introduced January 21, 2014; 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 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

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

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

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

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

22 ~~**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

1	VI..	49,742
2	VII..	51,892
3	VIII..	54,043

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

5 ~~CRIMINALIST CLASSIFICATION~~

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

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

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19	Cadet During Training..	\$ 2,833 Mo.	\$ 33,994
20	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
21	Trooper Second Year..		42,266
22	Trooper Third Year.		42,649

1	Senior Trooper.	43,048
2	Trooper First Class.. . . .	43,654
3	Corporal.	44,260
4	Sergeant.	48,561
5	First Sergeant.	50,712
6	Second Lieutenant.. . . .	52,862
7	First Lieutenant.	55,013
8	Captain.. . . .	57,164
9	Major.. . . .	59,314
10	Lieutenant Colonel.	61,465

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

12 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

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

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

22 **CRIMINALIST CLASSIFICATION**

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 Beginning on July 1, 2014, and continuing thereafter, members
10 shall receive annual salaries as follows:

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

12 **SUPERVISORY AND NONSUPERVISORY RANKS**

13	<u>Cadet During Training..</u>	<u>\$2,874.84 Mo.</u>	<u>\$ 34,498</u>
14	<u>Cadet Trooper After Training.</u>	<u>\$3,480.17 Mo.</u>	<u>\$ 41,762</u>
15	<u>Trooper Second Year..</u>		<u>42,770</u>
16	<u>Trooper Third Year.</u>		<u>43,153</u>
17	<u>Senior Trooper.</u>		<u>43,552</u>
18	<u>Trooper First Class..</u>		<u>44,158</u>
19	<u>Corporal.</u>		<u>44,764</u>
20	<u>Sergeant.</u>		<u>49,065</u>
21	<u>First Sergeant.</u>		<u>51,216</u>
22	<u>Second Lieutenant..</u>		<u>53,366</u>

1	<u>First Lieutenant.</u>	<u>55,517</u>
2	<u>Captain.. . . .</u>	<u>57,668</u>
3	<u>Major.. . . .</u>	<u>59,818</u>
4	<u>Lieutenant Colonel.</u>	<u>61,969</u>

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

6 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

7	<u>I.. . . .</u>	<u>42,770</u>
8	<u>II</u>	<u>43,552</u>
9	<u>III.. . . .</u>	<u>44,158</u>
10	<u>IV</u>	<u>44,764</u>
11	<u>V.. . . .</u>	<u>49,065</u>
12	<u>VI</u>	<u>51,216</u>
13	<u>VII.. . . .</u>	<u>53,366</u>
14	<u>VIII.</u>	<u>55,517</u>

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

16 **CRIMINALIST CLASSIFICATION**

17	<u>I.. . . .</u>	<u>42,770</u>
18	<u>II.</u>	<u>43,552</u>
19	<u>III.. . . .</u>	<u>44,158</u>
20	<u>IV.</u>	<u>44,764</u>
21	<u>V.. . . .</u>	<u>49,065</u>
22	<u>VI.</u>	<u>51,216</u>

1 VII.. 53,366

2 VIII. 55,517

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

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

19 (f) In applying the salary schedules set forth in this section
20 where salary increases are provided for length of service, members
21 of the West Virginia State Police in service at the time the
22 schedules become effective shall be given credit for prior service

1 and shall be paid the salaries the same length of service entitles
2 them to receive under the provisions of this section.

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

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

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

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

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

17 (I) In consideration for compensation paid by the West
18 Virginia State Police to its members during those members'
19 participation in the West Virginia State Police Cadet Training
20 Program pursuant to section eight, article twenty-nine, chapter
21 thirty of this code, the West Virginia State Police may require of
22 its members by written agreement entered into with each of them in

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

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