

Senate Bill No. 575

(By Senators Unger, Kessler (Mr. President), Laird, Kirkendoll,
Edgell, Beach, Snyder, Facemire, Chafin, Green, Miller, Yost, D.
Hall, Wells, Tucker, Jenkins and Fitzsimmons)

[Introduced February 14, 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 providing educational incentives
and longevity pay for State Troopers.

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

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

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

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

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

23 **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

1 VII.. 51,892

2 VIII 54,043

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

4 **CRIMINALIST CLASSIFICATION**

5 I.. \$ 41,679

6 II 42,078

7 III.. 42,684

8 IV 43,290

9 V.. 47,591

10 VI 49,742

11 VII.. 51,892

12 VIII 54,043

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

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

16 **SUPERVISORY AND NONSUPERVISORY RANKS**

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

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

19 Trooper Second Year.. 42,266

20 Trooper Third Year. 42,649

21 Senior Trooper. 43,048

22 Trooper First Class.. 43,654

23 Corporal. 44,260

1	Sergeant.	48,561
2	First Sergeant.	50,712
3	Second Lieutenant.. . . .	52,862
4	First Lieutenant.	55,013
5	Captain.. . . .	57,164
6	Major.. . . .	59,314
7	Lieutenant Colonel.	61,465

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

9 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

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

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

19 **CRIMINALIST CLASSIFICATION**

20	I..	42,266
21	II.	43,048
22	III.. . . .	43,654
23	IV.	44,260

1 V.. 48,561
2 VI. 50,712
3 VII.. 52,862
4 VIII. 55,013

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

10 (e) Each member of the West Virginia State Police whose salary
11 is fixed and specified pursuant to this section shall receive, and
12 is entitled to, an increase in salary over that set forth in
13 subsection (d) of this section for grade in rank, based on length
14 of service, including that service served before and after the
15 effective date of this section with the West Virginia State Police
16 as follows: At the end of two years of service with the West
17 Virginia State Police, the member shall receive a salary increase
18 of ~~\$400~~ \$800 to be effective during his or her next year of service
19 and a like increase at yearly intervals thereafter, with the
20 increases to be cumulative: Provided, That members who obtain a
21 college degree shall receive an additional salary increase based
22 upon educational attainment as follows: bachelor's degree \$200 per
23 year, master's degree \$300 per year, doctorate degree \$400 per

1 year, to be effective during his or her next year of service and a
2 like increase at yearly intervals thereafter, with the increases to
3 be cumulative: *Provided, however,* That members who currently hold
4 a college degree shall receive an additional salary increase based
5 upon educational attainment as follows: bachelor's degree \$200 per
6 year, master's degree \$300 per year, doctorate degree \$400 per
7 year, to be effective on his or her next anniversary date and a
8 like increase at yearly intervals thereafter, with the increases to
9 be cumulative.

10 (f) Each member of the West Virginia State Police who obtains
11 a college degree at the bachelors, masters or doctorate degree
12 shall receive a one-time \$1,500 educational incentive payment upon
13 completion of the degree. Members currently having a college
14 degree shall receive the one-time payment with the last pay period
15 of the month following the effective date of the amendment and
16 reenactment of this section.

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

23 ~~(g)~~ (h) 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

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

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

13 ~~(i)~~ (j) In consideration for compensation paid by the West
14 Virginia State Police to its members during those members'
15 participation in the West Virginia State Police Cadet Training
16 Program pursuant to section eight, article twenty-nine, chapter
17 thirty of this code, the West Virginia State Police may require of
18 its members by written agreement entered into with each of them in
19 advance of such participation in the program that, if a member
20 should voluntarily discontinue employment any time within one year
21 immediately following completion of the training program, he or she
22 shall be obligated to pay to the West Virginia State Police a pro
23 rata portion of such compensation equal to that part of such year

1 which the member has chosen not to remain in the employ of the West
2 Virginia State Police.

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

NOTE: The purpose of this bill is to provide educational incentives and longevity pay to state troopers. There is a tremendous need to retain our trained, experienced State Police, not only to maintain our mid-level officers and mentors but to save the cost of training new cadets to replace them.

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