

H. B. 2065

(By Delegate Caputo)

[Introduced January 15, 2015; 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 increasing compensation of membership of the West Virginia State Police.

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, second lieutenant and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the

1 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary
 2 reclassification of members assigned to administrative duties as administrative support specialist I-
 3 VIII.

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

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

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

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

13 **SUPERVISORY AND NONSUPERVISORY RANKS**

| | | |
|----|---|--------------------------------------|
| 14 | Cadet During Training | \$ 2,833 Mo. |
| 15 | \$33,994 | |
| 16 | <u>Cadet During Training</u> | <u>\$3,425.50</u> |
| 17 | <u>Mo. \$41,106.00</u> | |
| 18 | Cadet Trooper After Training | \$ 3,438 Mo. |
| 19 | \$41,258 | |
| 20 | <u>Cadet Trooper After Training</u> | <u>\$4,013.17 Mo. \$48,158.00</u> |
| 21 | Trooper Second Year..... | 42,266 <u>\$49,122.00</u> |
| 22 | Trooper Third Year..... | 42,649 <u>\$49,494.00</u> |

| | | |
|----------------------------|--------|--------------------|
| 1 Senior Trooper..... | 43,048 | <u>\$49,882.00</u> |
| 2 Trooper First Class..... | 43,654 | <u>\$50,470.00</u> |
| 3 Corporal..... | 44,260 | <u>\$51,058.00</u> |
| 4 Sergeant..... | 48,561 | <u>\$55,234.00</u> |
| 5 First Sergeant..... | 50,712 | <u>\$57,322.00</u> |
| 6 Second Lieutenant..... | 52,862 | <u>\$59,410.00</u> |
| 7 First Lieutenant..... | 55,013 | <u>\$61,498.00</u> |
| 8 Captain..... | 57,164 | <u>\$63,586.00</u> |
| 9 Major..... | 59,314 | <u>\$65,674.00</u> |
| 10 Lieutenant Colonel..... | 61,465 | <u>\$65,762.00</u> |

11 ANNUAL SALARY SCHEDULE (BASE PAY)

12 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

| | | |
|--------------|--------|--------------------|
| 13 I..... | 42,266 | <u>\$49,494.00</u> |
| 14 II..... | 43,048 | <u>\$49,882.00</u> |
| 15 III..... | 43,654 | <u>\$50,470.00</u> |
| 16 IV..... | 44,260 | <u>\$51,058.00</u> |
| 17 V..... | 48,561 | <u>\$55,234.00</u> |
| 18 VI..... | 50,712 | <u>\$57,322.00</u> |
| 19 VII..... | 52,862 | <u>\$59,410.00</u> |
| 20 VIII..... | 55,013 | <u>\$61,498.00</u> |

21 ANNUAL SALARY SCHEDULE (BASE PAY)

22 CRIMINALIST CLASSIFICATION

| | | | |
|---|-----------|--------|--------------------|
| 1 | I. | 42,266 | <u>\$49,494.00</u> |
| 2 | II..... | 43,048 | <u>\$49,882.00</u> |
| 3 | III. | 43,654 | <u>\$50,470.00</u> |
| 4 | IV..... | 44,260 | <u>\$51,058.00</u> |
| 5 | V..... | 48,561 | <u>\$55,234.00</u> |
| 6 | VI..... | 50,712 | <u>\$57,322.00</u> |
| 7 | VII. | 52,862 | <u>\$59,410.00</u> |
| 8 | VIII..... | 55,013 | <u>\$61,498.00</u> |

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

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

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

1 same length of service entitles them to receive under the provisions of this section.

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

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

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

21 (h) Each member of the West Virginia State Police, except the superintendent and civilian
22 employees, shall execute, before entering upon the discharge of his or her duties, a bond with

1 security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful
2 performance of his or her duties, and the bond shall be approved as to form by the Attorney General
3 and as to sufficiency by the Governor.

4 (i) In consideration for compensation paid by the West Virginia State Police to its members
5 during those members' participation in the West Virginia State Police Cadet Training Program
6 pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State
7 Police may require of its members by written agreement entered into with each of them in advance
8 of such participation in the program that, if a member should voluntarily discontinue employment
9 any time within one year immediately following completion of the training program, he or she shall
10 be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal
11 to that part of such year 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 to perform active duty
14 training or inactive duty training in the National Guard or any reserve component of the Armed
15 Forces of the United States annually shall be granted, upon request, leave time not to exceed thirty
16 calendar days for the purpose of performing the active duty training or inactive duty training and the
17 time granted may not be deducted from any leave accumulated as a member of the West Virginia
18 State Police.

NOTE: The purpose of this bill is to increase compensation for members of the West Virginia State Police.

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