

Senate Bill No. 427

(By Senators Unger, Yost, Boley, Nohe, Romano, Beach, Kirkendoll, Prezioso, Miller, Facemire,
Kessler, Palumbo, D. Hall, Laird, Williams, Carmichael, Snyder, Stollings and Plymale)

[Introduced February 6, 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
career progression of members of the State Police; increasing the longevity pay for members
of the State Police; providing for certain increases in pay if certain educational attainment
is met by members of the State Police; and adjusting the timing of certain salary changes.

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

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

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

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

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

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

14 **SUPERVISORY AND NONSUPERVISORY RANKS**

15	Cadet During Training	\$ 2,833 Mo.	\$ 33,994
16	Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
17	Trooper Second Year.....		42,266
18	Trooper Third Year.		42,649
19	Senior Trooper.....		43,048
20	Trooper First Class.....		43,654
21	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

1 III. 43,654
2 IV..... 44,260
3 V..... 48,561
4 VI..... 50,712
5 VII. 52,862
6 VIII..... 55,013

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

10 (e) Each member of the West Virginia State Police whose salary is fixed and specified
11 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
12 subsection (d) of this section for grade in rank, based on length of service, including that service
13 served before and after the effective date of this section with the West Virginia State Police as
14 follows: Beginning on ~~January~~ July 1, 2015 and continuing thereafter, at the end of two years of
15 service with the West Virginia State Police, the member shall receive a salary increase of \$500 to
16 be effective during his or her next year of service and a like increase at yearly intervals thereafter,
17 with the increases to be cumulative. Members who obtain a college degree shall receive an
18 additional salary increase based upon educational attainment as follows: Bachelor’s degree \$200
19 per year, master’s degree \$300 per year, doctorate degree \$400 per year, to be effective during his
20 or her next year of service and a like increase at yearly intervals thereafter, with the increases to be
21 cumulative. However, members who currently hold a college degree shall receive an additional

1 salary increase based upon educational attainment as follows: Bachelor's degree \$200 per year,
2 master's degree \$300 per year, doctorate degree \$400 per year, to be effective on his or her next
3 anniversary date and a like increase at yearly intervals thereafter, with the increases to be cumulative.

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

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

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

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

1 supplemental pay as provided in this section.

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

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

17 ~~(h)~~ (j) In consideration for compensation paid by the West Virginia State Police to its
18 members during those members' participation in the West Virginia State Police Cadet Training
19 Program pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia
20 State Police may require of its members by written agreement entered into with each of them in
21 advance of such participation in the program that, if a member should voluntarily discontinue

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

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

NOTE: The purpose of this bill is to increase the longevity pay for members of the State Police. The bill provides for certain increases in pay if certain educational attainment is met by members of the State Police. The bill adjusts the timing of certain salary changes.

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