

**ENROLLED**

**Senate Bill No. 549**

(By Senators M. Hall, Blair,  
Kessler, Unger and D. Hall)

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[Passed March 14, 2015; in effect ninety days from passage.]

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AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to certain civilian employees within the West Virginia State Police; authorizing the superintendent to appoint a director and a manager; providing for classification of laboratory employees; establishing base salaries; and requiring a manual to be provided to employees.

*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.**

- 1           (a) The superintendent shall establish within the West Virginia State Police a system to  
2 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second  
3 lieutenant and first lieutenant; the classification of nonsupervisory members within the field  
4 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; the temporary  
2 reclassification of members assigned to administrative duties as administrative support specialist I-  
3 VIII; the classification of civilian employees in the forensic laboratory as evidence technicians I-IV;  
4 the classification of civilian employees in the forensic laboratory as forensic analysts I-VI; and the  
5 classification of civilian employees in the forensic laboratory as forensic analyst supervisors VII-IX.

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

9 (c) The superintendent shall provide to each member a written manual governing any system  
10 established under the provisions of this section and specific procedures shall be identified for the  
11 evaluation and testing of members for promotion or reclassification and the subsequent placement  
12 of any members on a promotional eligibility or reclassification recommendation list. The  
13 superintendent shall provide to each evidence technician, forensic analyst and forensic analyst  
14 supervisor a written manual governing the reclassification process within the West Virginia State  
15 Police forensic laboratory.

16 (d) Beginning on July 1, 2011, members shall receive annual salaries as 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
23	Senior Trooper.....		43,048

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

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

11                            **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

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

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

21                            **CRIMINALIST CLASSIFICATION**

22	I.....	\$42,266
23	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 (f) of this  
9 section and supplemental pay as provided in subsection (i) of this section.

10           (e) Beginning July 1, 2015, the superintendent shall appoint the position of forensic  
11 laboratory director and quality assurance manager and affix the salaries of each position. A sworn  
12 member appointed to forensic laboratory director shall be compensated in accordance with  
13 subsection (d) of this section. Civilian evidence technicians, forensic analysts and forensic analysts  
14 supervisors shall receive annual salaries as follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**EVIDENCE TECHNICIAN CLASSIFICATION**

17	I. ....	\$30,160
18	II.....	34,684
19	III. ....	38,153
20	IV.....	43,876

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**FORENSIC ANALYST CLASSIFICATION**

23	I. ....	\$40,560
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1	II.....	44,616
2	III. ....	51,309
3	IV.....	56,440
4	V.....	62,084
5	VI.....	68,293

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**FORENSIC ANALYST SUPERVISOR CLASSIFICATION**

8	VII. ....	\$64,906
9	VIII.....	71,397
10	IX.....	78,537

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

(g) Civilian employees of the West Virginia State Police whose salary is set forth in subsection (e) of this section are also to receive the increase in salary as provided in subsection (i), section seven of this article.

(h) In applying the salary schedules set forth in this section where salary increases are provided for length of service, members of the West Virginia State Police in service at the time the

1 schedules become effective shall be given credit for prior service and shall be paid the salaries the  
2 same length of service entitles them to receive under the provisions of this section.

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

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

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

22 (j) Each member of the West Virginia State Police, except the superintendent and civilian  
23 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 (k) 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 (l) 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 forces  
15 of the United States annually shall be granted, upon request, leave time not to exceed thirty calendar  
16 days for the purpose of performing the active duty training or inactive duty training and the time  
17 granted may not be deducted from any leave accumulated as a member of the West Virginia State  
18 Police.