

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2075

FISCAL
NOTE

2015 Carryover

(BY DELEGATES CAPUTO AND HAMILTON)

[Introduced January 13, 2016; referred to the
Committee on Finance.]

1 A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as
 2 amended, all relating to maintaining a minimum of eight hundred state troopers by July 1,
 3 2017; and increasing the salary increase received at the end of two years of service with
 4 the West Virginia State Police from \$500 to \$580.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, be amended
 2 and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

**§15-2-3. State Police structure; how established; minimum number of troopers; training;
 special revenue account.**

1 (a) The superintendent shall create, appoint and equip the State Police which shall consist of the
 2 number of troops, districts and detachments required for the proper administration of the State
 3 Police. Each troop, district or detachment shall be composed of the number of officers and
 4 members the superintendent determines are necessary to meet operational needs and are
 5 required for the efficient operation of the State Police. The superintendent shall establish the
 6 general organizational structure of the State Police by interpretive rule in accordance with the
 7 provisions of article three, chapter twenty-nine-a of this code. The superintendent shall provide
 8 adequate facilities for the training of all members of the State Police and shall prescribe basic
 9 training requirements for newly enlisted members. He or she shall also provide advanced or in-
 10 service training from time to time for all members of the State Police. The superintendent shall
 11 hold entry-level training classes for other law-enforcement officers in the state without cost to
 12 those officers, except actual expenses for food, lodging and school supplies. The superintendent
 13 may hold advanced levels of training classes for other law-enforcement officers in the state for a
 14 reasonable daily fee per student not to exceed \$100.

15 (b) Notwithstanding any other provision of this code to the contrary, the superintendent shall
16 implement a program to increase the number of state troopers in the state to attain and maintain
17 a minimum number of eight hundred state troopers by July 1, 2017.

18 ~~(b)~~ (c) There is hereby created in the State Treasury a special revenue account, which shall be
19 an interest bearing account, to be known as the Academy Training and Professional Development
20 Fund. The special revenue account shall consist of training fees, any appropriations that may
21 be made by the Legislature, income from the investment of moneys held in the special revenue
22 account and all other sums available for deposit to the special revenue account from any source,
23 public or private. No expenditures for purposes of this section are authorized from collections
24 except in accordance with the provisions of article three, chapter twelve of this code and upon
25 fulfillment of the provisions set forth in article two, chapter eleven-b of this code. Any balance
26 remaining in the special revenue account at the end of any state fiscal year does not revert to the
27 General Revenue Fund but remains in the special revenue account and shall be used solely in a
28 manner consistent with this article. The superintendent is authorized to expend funds from the
29 account to offset operational and training costs; for building maintenance and repair, for
30 purchases and for equipment repair or replacement for the West Virginia State Police Academy;
31 and to defray necessary expenses incidental to those and other activities associated with law-
32 enforcement training.

**§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 provide
2 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
5 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the
6 temporary reclassification of members assigned to administrative duties as administrative support
7 specialist I-VIII.

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

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

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

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

17 **SUPERVISORY AND NONSUPERVISORY RANKS**

18	Cadet During Training	\$2,833Mo.	\$ 33,994
19	Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
20	Trooper Second Year.....		\$42,266
21	Trooper Third Year.....		\$42,649
22	Senior Trooper		\$43,048
23	Trooper First Class		\$43,654
24	Corporal.....		\$44,260
25	Sergeant		\$48,561
26	First Sergeant		\$50,712
27	Second Lieutenant.....		\$52,862

28	First Lieutenant	\$55,013
29	Captain	\$57,164
30	Major.....	\$59,314
31	Lieutenant Colonel	\$61,465

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

34	I	42,266
35	II	43,048
36	III	43,654
37	IV	44,260
38	V	48,561
39	VI	50,712
40	VII	52,862
41	VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

44	I	42,266
45	II	43,048
46	III	43,654
47	IV	44,260
48	V	48,561
49	VI	50,712
50	VII	52,862
51	VIII	55,013

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

55 (e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant
56 to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection
57 (d) of this section for grade in rank, based on length of service, including that service served
58 before and after the effective date of this section with the West Virginia State Police as follows:
59 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with
60 the West Virginia State Police, the member shall receive a salary increase of ~~\$500~~ \$580 to be
61 effective during his or her next year of service and a like increase at yearly intervals thereafter,
62 with the increases to be cumulative.

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

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

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

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

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

91 (i) In consideration for compensation paid by the West Virginia State Police to its members during
92 those members' participation in the West Virginia State Police Cadet Training Program pursuant
93 to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State Police may
94 require of its members by written agreement entered into with each of them in advance of such
95 participation in the program that, if a member should voluntarily discontinue employment any time
96 within one year immediately following completion of the training program, he or she shall be
97 obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal
98 to that part of such year which the member has chosen not to remain in the employ of the West
99 Virginia State Police.

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

NOTE: The purpose of this bill is to establish a minimum number of troopers to provide basic law- enforcement services. The bill further provides that the salary increase at the end of two years of service for members of the West Virginia State Police will increase from \$500 to \$580.

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