

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2899

FISCAL
NOTE

2015 Carryover

(BY DELEGATES CAPUTO, HAMILTON, LYNCH, FLUHARTY,
HORNBUCKLE, STORCH, MOORE, SKINNER, MANCHIN AND
MILEY)

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

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
 2 to career progression of members of the State Police; increasing the longevity pay for
 3 members of the State Police; providing for certain increases in pay if certain educational
 4 attainment is met by members of the State Police; and adjusting the timing of certain salary
 5 changes.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wage 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,
 3 second lieutenant and first lieutenant; the classification of nonsupervisory members within the
 4 field 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
 9 article three, chapter twenty-nine-a of this code for the purpose of ensuring consistency,
 10 predictability and independent review of any system developed under the provisions of this
 11 section.

12 (c) The superintendent shall provide to each member a written manual governing any

13 system established under the provisions of this section and specific procedures shall be identified
 14 for the evaluation and testing of members for promotion or reclassification and the subsequent
 15 placement of any members on a promotional eligibility or reclassification recommendation list.

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
24	Trooper First Class.....		43,654
25	Corporal.....		44,260
26	Sergeant.....		48,561
27	First Sergeant.....		50,712
28	Second Lieutenant.....		52,862
29	First Lieutenant.....		55,013
30	Captain.....		57,164
31	Major.....		59,314
32	Lieutenant Colonel.....		61,465

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

34 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

35	I.....		42,266
36	II.....		43,048

37	III.....	43,654
38	IV	44,260
39	V	48,561
40	VI	50,712
41	VII	52,862
42	VIII.....	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

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

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

56 (e) Each member of the West Virginia State Police whose salary is fixed and specified
57 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
58 subsection (d) of this section for grade in rank, based on length of service, including that service
59 served before and after the effective date of this section with the West Virginia State Police as
60 follows: Beginning on ~~January~~ July 1, 2015 and continuing thereafter, at the end of two years of

61 service with the West Virginia State Police, the member shall receive a salary increase of \$500
62 \$800 to be effective during his or her next year of service and a like increase at yearly intervals
63 thereafter, with the increases to be cumulative. Members who obtain a college degree shall
64 receive an additional salary increase based upon educational attainment as follows: Bachelor's
65 degree \$200 per year, master's degree \$300 per year, doctorate degree \$400 per year, to be
66 effective during his or her next year of service and a like increase at yearly intervals thereafter,
67 with the increases to be cumulative. However, members who currently hold a college degree
68 shall receive an additional salary increase based upon educational attainment as follows:
69 Bachelor's degree \$200 per year, master's degree \$300 per year, doctorate degree \$400 per
70 year, to be effective on his or her next anniversary date and a like increase at yearly intervals
71 thereafter, with the increases to be cumulative.

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

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

81 (g) (h) The Legislature finds and declares that because of the unique duties of members
82 of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and
83 hour laws to them. Accordingly, members of the West Virginia State Police are excluded from
84 the provisions of state wage and hour law. This express exclusion shall not be construed as any

85 indication that the members were or were not covered by the wage and hour law prior to this
86 exclusion.

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

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

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

106 ~~(i)~~ (j) In consideration for compensation paid by the West Virginia State Police to its
107 members during those members' participation in the West Virginia State Police Cadet Training
108 Program pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia

109 State Police may require of its members by written agreement entered into with each of them in
110 advance of such participation in the program that, if a member should voluntarily discontinue
111 employment any time within one year immediately following completion of the training program,
112 he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such
113 compensation equal to that part of such year which the member has chosen not to remain in the
114 employ of the West Virginia State Police.

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