

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 419

BY SENATORS BOLEY, RUCKER, CLINE, AND BOSO

[Originating in the Committee on Government
Organization; Reported on February 23, 2018]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
2 to establishing the classification and base salaries of certain civilian employees of the
3 West Virginia State Police Forensic Laboratory; requiring legislative rules for purpose of
4 ensuring consistency, predictability, and independent review of systems developed under
5 this section; establishing annual salary schedule for evidence technicians, forensic
6 technicians, forensic analysts, and forensic analyst supervisors; authorizing the
7 superintendent to appoint a forensic laboratory director and set the director's salary;
8 requiring manuals be provided; clarifying authority of superintendent or forensic laboratory
9 director or administrator to increase base compensation based on merit within
10 classification; requiring legislative rules to establish policy and procedure for determining
11 eligibility for promotions among classifications; requiring legislative rules establish
12 guidelines for awarding merit-based salary increases within classifications; and
13 authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

Be it enacted by the Legislature of West Virginia:

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,
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; the classification
6 of civilian employees in the forensic laboratory as evidence technicians I-IV, forensic technicians
7 I-IV, forensic analysts I-VI, and forensic analyst supervisors I-III; and the temporary

8 reclassification of members assigned to administrative duties as administrative support specialist
9 I-VIII.

10 (b) The superintendent ~~may~~ shall propose legislative rules for promulgation in accordance
11 with §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and
12 independent review of any system developed under the provisions of this section.

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

17 (d) Beginning on July 1, 2018, members shall receive annual salaries payable at least
18 twice per month as follows:

19 ANNUAL SALARY SCHEDULE (BASE PAY)
20 SUPERVISORY AND NONSUPERVISORY RANKS

21	Cadet During Training	\$34,858
22	Cadet Trooper After Training	\$ 42,122
23	Trooper Second Year	43,130
24	Trooper Third Year	43,513
25	Senior Trooper	43,912
26	Trooper First Class	44,518
27	Corporal	45,124
28	Sergeant.....	49,425
29	First Sergeant.....	51,576
30	Second Lieutenant	53,726
31	First Lieutenant.....	55,877
32	Captain.....	58,028
33	Major	60,178

34 Lieutenant Colonel62,329

35 ANNUAL SALARY SCHEDULE (BASE PAY)

36 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

37 I 43,130

38 II 43,912

39 III 44,518

40 IV 45,124

41 V 49,425

42 VI 51,576

43 VII 53,726

44 VIII 55,877

45 ANNUAL SALARY SCHEDULE (BASE PAY)

46 CRIMINALIST CLASSIFICATION

47 I 43,130

48 II 43,912

49 III 44,518

50 IV 45,124

51 V 49,425

52 VI 51,576

53 VII 53,726

54 VIII 55,877

55 Beginning July 1, 2019, the annual salaries for members of each of the West Virginia State
56 Police, the Administration Support Specialists, and the Criminalist classifications set forth in the
57 schedules in this subsection shall be increased an additional \$432.

58 Each member of the West Virginia State Police whose salary is fixed and specified in this
59 annual salary schedule is entitled to the length of service increases set forth in ~~§15-2-5 (e)~~ §15-
60 2-5 (f) of this code and supplemental pay as provided in ~~§15-2-5(g)~~ §15-2-5 (i) of this code.

61 (e) Beginning on July 1, 2018, the superintendent shall appoint the position of forensic
62 laboratory director or administrator and set the salary. The civilian evidence technicians, forensic
63 technicians, forensic analysts, and forensic analyst supervisors within the West Virginia State
64 Police shall receive annual salaries as follows:

65 ANNUAL SALARY SCHEDULE (BASE PAY)

66 Evidence Technician

67	<u>I</u>	<u>\$33,280</u>
68	<u>II</u>	<u>\$36,608</u>
69	<u>III</u>	<u>\$40,269</u>
70	<u>IV</u>	<u>\$44,296</u>

71 ANNUAL SALARY SCHEDULE (BASE PAY)

72 Forensic Technician

73	<u>I</u>	<u>\$38,480</u>
74	<u>II</u>	<u>\$41,174</u>
75	<u>III</u>	<u>\$44,056</u>
76	<u>IV</u>	<u>\$47,140</u>

77 ANNUAL SALARY SCHEDULE (BASE PAY)

78 Forensic Analyst

79	<u>I</u>	<u>\$43,680</u>
80	<u>II</u>	<u>\$45,864</u>
81	<u>III</u>	<u>\$49,075</u>
82	<u>IV</u>	<u>\$53,983</u>
83	<u>V</u>	<u>\$57,762</u>

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

113 (h) Civilian employees of the West Virginia State Police whose salary is fixed and specified
114 pursuant to this section shall receive, and are entitled to, an increase in salary over that set forth
115 in §15-2-5(e) of this code as provided in §15-2-7(i) of this code.

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

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

126 The authority of the superintendent to propose a legislative rule or amendment thereto for
127 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours
128 per month which constitute the standard pay period for the members of the West Virginia State
129 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
130 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
131 of the standard pay period. The superintendent shall certify at least twice per month to the West
132 Virginia State Police's payroll officer the names of those members who have worked in excess of
133 the standard pay period and the amount of their entitlement to supplemental payment. The
134 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian

135 employees of the West Virginia State Police are not eligible for any supplemental payments
136 pursuant to this subsection.

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

142 ~~(j)~~ (k) In consideration for compensation paid by the West Virginia State Police to its
143 members during those members' participation in the West Virginia State Police Cadet Training
144 Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its
145 members by written agreement entered into with each of them in advance of such participation in
146 the program that, if a member should voluntarily discontinue employment any time within one year
147 immediately following completion of the training program, he or she shall be obligated to pay to
148 the West Virginia State Police a pro rata portion of such compensation equal to that part of such
149 year which the member has chosen not to remain in the employ of the West Virginia State Police.

150 ~~(l)~~ (l) Any member of the West Virginia State Police who is called to perform active duty
151 training or inactive duty training in the National Guard or any reserve component of the armed
152 forces of the United States annually shall be granted, upon request, leave time not to exceed 30
153 calendar days for the purpose of performing the active duty training or inactive duty training and
154 the time granted may not be deducted from any leave accumulated as a member of the West
155 Virginia State Police.

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