

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3065**

**FISCAL  
NOTE**

BY DELEGATE BUTLER

[Introduced March 14, 2017; Referred  
to the Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §15-2-5; of the Code of West Virginia, 1931, as amended; relating  
 2 to adding the classification and base salaries of certain civilian employees of the West  
 3 Virginia State Police Forensic Laboratory as Evidence Technicians, Forensic Technicians,  
 4 Forensic Analysts and Forensic Analysts Supervisors.

*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  
 2 reenacted; and that said code be amended 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,  
 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; the classification of civilian employees in the forensic laboratory as evidence  
 8 technicians I-IV, forensic technicians I-IV, forensic analysts I-VI, and forensic analyst supervisors  
 9 I-III.

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

14 (c) The superintendent shall provide to each member a written manual governing any  
 15 system established under the provisions of this section and specific procedures shall be identified

16 for the evaluation and testing of members for promotion or reclassification and the subsequent  
 17 placement of any members on a promotional eligibility or reclassification recommendation list.  
 18 The superintendent shall provide to each evidence technician, forensic technician, forensic  
 19 analyst and forensic analyst supervisor a written manual governing the reclassification process  
 20 within the West Virginia state police forensic laboratory.

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

22 ANNUAL SALARY SCHEDULE (BASE PAY)

23 SUPERVISORY AND NONSUPERVISORY RANKS

24	Cadet During Training	\$2,833 Mo.	\$33,994
25	Cadet Trooper After Training	\$3,438 Mo.	\$41,258
26	Trooper Second Year		\$42,266
27	Trooper Third Year		\$42,649
28	Senior Trooper		\$43,048
29	Trooper First Class		\$43,654
30	Corporal		\$44,260
31	Sergeant		\$48,561
32	First Sergeant		\$50,712
33	Second Lieutenant		\$52,862
34	First Lieutenant		\$55,013
35	Captain		\$57,164
36	Major		\$59,314
37	Lieutenant Colonel		\$61,465

38 ANNUAL SALARY SCHEDULE (BASE PAY)

39 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

40	I		\$42,266
41	II		\$43,048

42	III	\$43,654
43	IV	\$44,260
44	V	\$48,561
45	VI	\$50,712
46	VII	\$52,862
47	VIII	\$55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

50	I	\$42,266
51	II	\$43,048
52	III	\$43,654
53	IV	\$44,260
54	V	\$48,561
55	VI	\$50,712
56	VII	\$52,862
57	VIII	\$55,013

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 subsection ~~(e)~~ (f)  
 60 of this section and supplemental pay as provided in subsection ~~(g)~~ (i) of this section.

61 (e) Beginning on July 1, 2018, the superintendent shall appoint the position of forensic  
 62 laboratory director or administrator and quality assurance manager and affix their salaries. The  
 63 civilian evidence technicians, forensic technicians, forensic analysts and forensic analyst's  
 64 supervisors for the West Virginia State Police shall receive annual salaries as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)

EVIDENCE TECHNICIAN

67	I	<u>\$33,280</u>
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68	<u>II</u>	<u>\$36,608</u>
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69	<u>III</u>	<u>\$40,269</u>
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70	<u>IV</u>	<u>\$44,296</u>
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71 ANNUAL SALARY SCHEDULE (BASE PAY)

72 FORENSIC TECHNICIAN

73	<u>I</u>	<u>\$38,480</u>
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74	<u>II</u>	<u>\$41,174</u>
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75	<u>III</u>	<u>\$44,056</u>
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76	<u>IV</u>	<u>\$47,140</u>
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77 ANNUAL SALARY SCHEDULE (BASE PAY)

78 FORENSIC ANALYST

79	<u>I</u>	<u>\$43,680</u>
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80	<u>II</u>	<u>\$45,864</u>
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81	<u>III</u>	<u>\$49,075</u>
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82	<u>IV</u>	<u>\$53,983</u>
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83	<u>V</u>	<u>\$57,762</u>
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84	<u>VI</u>	<u>\$61,806</u>
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85 ANNUAL SALARY SCHEDULE (BASE PAY)

86 FORENSIC ANALYST SUPERVISOR

87	<u>I</u>	<u>\$59,382</u>
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88	<u>II</u>	<u>\$63,539</u>
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89	<u>III</u>	<u>\$67,987</u>
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90 (e) (f) Each member of the West Virginia State Police whose salary is fixed and specified  
 91 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
 92 subsection (d) of this section for grade in rank, based on length of service, including that service  
 93 served before and after the effective date of this section with the West Virginia State Police as

94 follows: Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service  
95 with the West Virginia State Police, the member shall receive a salary increase of \$500 to be  
96 effective during his or her next year of service and a like increase at yearly intervals thereafter,  
97 with the increases to be cumulative.

98 (g) Civilian employees of the West Virginia State Police whose salary is fixed and specified  
99 pursuant to this section shall receive, and are entitled to, an increase in salary over that set forth  
100 in subsection (e) as provided in §15-2-7(i).

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

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

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

115 The authority of the superintendent to propose a legislative rule or amendment thereto  
116 for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish  
117 the number of hours per month which constitute the standard work month for the members of the  
118 West Virginia State Police is hereby continued. The rule shall further establish, on a graduated  
119 hourly basis, the criteria for receipt of a portion or all of supplemental payment when hours are

120 worked in excess of the standard work month. The superintendent shall certify monthly to the  
121 West Virginia State Police's payroll officer the names of those members who have worked in  
122 excess of the standard work month and the amount of their entitlement to supplemental payment.  
123 The supplemental payment may not exceed \$400 monthly. The superintendent and civilian  
124 employees of the West Virginia State Police are not eligible for any supplemental payments.

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

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

139 ~~(j)~~ ~~(i)~~ Any member of the West Virginia State Police who is called to perform active duty  
140 training or inactive duty training in the National Guard or any Reserve component of the Armed  
141 Forces of the United States annually shall be granted, upon request, leave time not to exceed  
142 thirty calendar days for the purpose of performing the active duty training or inactive duty training  
143 and the time granted may not be deducted from any leave accumulated as a member of the West  
144 Virginia State Police.

NOTE: The purpose of this bill is to establish the classification of certain civilian employees of the Forensic Laboratory as Evidence Technicians I-IV, Forensic Technicians I-IV, Forensic Analysts I-VI, Forensic Analyst Supervisors I-III and for the superintendent to appoint a forensic laboratory director and quality assurance manager and affix those salaries in order for the forensic laboratory to maintain adequate staffing to curtail the case backlog.

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