

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2885

FISCAL
NOTE

BY DELEGATES ROHRBACH, MAYNARD, PAYNTER,
RODIGHIERO, MILLER, WORRELL, CAMPBELL, GRAVES,
HOLLEN AND LOVEJOY

[Introduced February 7, 2019; 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 increasing salaries for members of the West Virginia State Police over a three-year
 3 period; increasing the annual interval salary increase; and setting effective dates.

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; 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 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and
 10 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
 12 system established under the provisions of this section and specific procedures shall be identified
 13 for the 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) (1) Beginning on July 1, 2018, members shall receive annual salaries payable at least
 16 twice per month as follows:

17 ANNUAL SALARY SCHEDULE (BASE PAY)
 18 SUPERVISORY AND NONSUPERVISORY RANKS

19	Cadet During Training	\$ 36,154
20	Cadet Trooper After Training	43,414
21	Trooper Second Year	44,426
22	Trooper Third Year	44,809
23	Senior Trooper	45,208
24	Trooper First Class	45,814
25	Corporal	46,420
26	Sergeant.....	50,721
27	First Sergeant.....	52,872
28	Second Lieutenant	55,022
29	First Lieutenant.....	57,173
30	Captain.....	59,324
31	Major	61,474
32	Lieutenant Colonel	63,625

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I	44,426
36	II	45,208
37	III	45,814
38	IV	46,420
39	V	50,721
40	VI	52,872
41	VII	55,022
42	VIII	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

44

45	I	44,426
46	II	45,208
47	III	45,814
48	IV	46,420
49	V	50,721
50	VI	52,872
51	VII	55,022
52	VIII	57,173

53 (2) Beginning on July 1, 2019, the annual salaries for members of each of the West Virginia
54 State Police, the administration support specialists, and the criminalist classifications set forth in
55 subdivision (1) of this subsection shall be increased by an additional \$3,000;

56 (3) Beginning on July 1, 2020, the annual salaries for members of each of the West Virginia
57 State Police, the administration support specialists, and the criminalist classifications set forth in
58 subdivision (1) of this subsection, as increased by subdivision (2) of this subsection, shall be
59 increased by an additional \$3,000;

60 (4) Beginning on July 1, 2021, the annual salaries for members of each of the West Virginia
61 State Police, the administration support specialists, and the criminalist classifications set forth in
62 subdivision (1) of this subsection, as increased by subdivisions (2) and (3) of this subsection, shall
63 be increased by an additional \$3,000;

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

67 (e) Each member of the West Virginia State Police whose salary is fixed and specified
68 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
69 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served
70 before and after the effective date of this section with the West Virginia State Police as follows:

71 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with
72 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective
73 during his or her next year of service and a like increase at yearly intervals thereafter, with the
74 increases to be cumulative: Provided, That beginning on January 1, 2020, the annual increase
75 required by this subsection is \$600.

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

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

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

90 The authority of the superintendent to propose a legislative rule or amendment thereto for
91 promulgation in accordance with §29A-3-1 et seq. of this code to establish the number of hours
92 per month which constitute the standard pay period for the members of the West Virginia State
93 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
94 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
95 of the standard pay period. The superintendent shall certify at least twice per month to the West
96 Virginia State Police's payroll officer the names of those members who have worked in excess of

97 the standard pay period and the amount of their entitlement to supplemental payment. The
98 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian
99 employees of the West Virginia State Police are not eligible for any supplemental payments.

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

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

113 (j) Any member of the West Virginia State Police who is called to perform active duty
114 training or inactive duty training in the National Guard or any Reserve component of the Armed
115 Forces of the United States annually shall be granted, upon request, leave time not to exceed 30
116 calendar days for the purpose of performing the active duty training or inactive duty training and
117 the time granted may not be deducted from any leave accumulated as a member of the West
118 Virginia State Police.

NOTE: The purpose of this bill is to provide a salary increases over a three-year period to State Police members and to increase the interval salary increase.

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