

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4474

FISCAL  
NOTE

BY DELEGATES CRISS AND BARRETT

[By Request of the West Virginia State Police]

[Introduced January 31, 2022; 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 the salary for a cadet in training; increasing the salary differentials between  
 3 the supervisory ranks; and increasing the salary differentials between the administrative  
 4 support specialist classifications V through VIII.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. WEST VIRGINIA STATE POLICE**

**§15-2-5. Career progression system state; salaries; exclusion from wage and hour laws, 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: (1) The promotion of members to the supervisory ranks of sergeant, first sergeant,  
 3 second lieutenant, and first lieutenant; (2) the classification of nonsupervisory members within the  
 4 field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal, and  
 5 (3) the temporary reclassification of members assigned to administrative duties as administrative  
 6 support specialist I-VIII. The promotion of individuals in the forensic laboratory shall include the  
 7 classifications of Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI,  
 8 and Forensic Scientist Supervisors I-IV, based on the Forensic Lab Career Progression System.

9 (b) The superintendent may propose legislative rules for promulgation in accordance with  
 10 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and  
 11 independent review of any system developed under the provisions of this 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. A  
 16 written manual shall also be provided to individuals within the forensic laboratory governing any  
 17 system established under the provisions of this section and specific procedures shall be identified

18 for the evaluation of promotion or reclassification of those individuals.

19 (d) Beginning on ~~July 1, 2019~~, July 1, 2022, members shall receive annual salaries  
20 payable at least twice per month as follows:

21 ANNUAL SALARY SCHEDULE (BASE PAY)

22 SUPERVISORY AND NONSUPERVISORY RANKS

23	<del>Cadet During Training</del> .....	<del>\$ 38,524</del>
24	Cadet <u>During Training</u> / Trooper After Training .....	45,784
25	Trooper Second Year .....	46,796
26	Trooper Third Year .....	47,179
27	Senior Trooper .....	47,578
28	Trooper First Class .....	48,184
29	Corporal .....	48,790
30	Sergeant .....	<del>53,091</del> <u>55,091</u>
31	First Sergeant .....	<del>55,242</del> <u>59,091</u>
32	Second Lieutenant .....	<del>57,392</del> <u>62,091</u>
33	First Lieutenant .....	<del>59,543</del> <u>65,091</u>
34	Captain .....	<del>61,694</del> <u>68,091</u>
35	Major .....	<del>63,844</del> <u>71,091</u>
36	Lieutenant Colonel .....	<del>65,995</del> <u>74,091</u>

37 ANNUAL SALARY SCHEDULE (BASE PAY)

38 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

39	I .....	\$46,796
40	II .....	47,578
41	III .....	48,184
42	IV .....	48,790
43	V .....	<del>53,091</del> <u>55,091</u>

44	VI .....	<del>55,242</del> <u>59,091</u>
45	VII .....	<del>57,392</del> <u>62,091</u>
46	VIII .....	<del>59,543</del> <u>65,091</u>

47 Beginning on July 1, 2021, designated individuals within the forensic laboratory shall  
 48 receive annual base salaries payable at least twice per month as follows:

49 ANNUAL SALARY SCHEDULE (BASE PAY)

50 EVIDENCE CUSTODIAN

51	I .....	\$35,650
52	II .....	37,978
53	III .....	41,639
54	IV .....	44,666

55 FORENSIC TECHNICIAN

56	I .....	\$37,850
57	II .....	39,544
58	III .....	43,426

59 FORENSIC SCIENTIST

60	I .....	\$45,050
61	II .....	47,234
62	III .....	49,338
63	IV .....	51,737
64	V .....	55,263
65	VI .....	59,063

66 FORENSIC SCIENTIST SUPERVISOR

67	I .....	\$61,762
68	II .....	65,326
69	III .....	69,104

70 IV ..... 73,108

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

74 (e) Each member of the West Virginia State Police whose salary is fixed and specified  
75 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
76 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served  
77 before and after the effective date of this section with the West Virginia State Police as follows:  
78 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with  
79 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective  
80 during his or her next year of service and a like increase at yearly intervals thereafter, with the  
81 increases to be cumulative. The forensic laboratory employees whose salaries are fixed and  
82 specified pursuant to this section, shall receive, and are entitled to, an increase in salary over that  
83 set forth in §15-2-5(d) of this code, in accordance with §15-2-7(h) of this code.

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

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

94 In lieu of any overtime pay they might otherwise have received under the wage and hour  
95 laws, and in addition to their salaries and increases for length of service, members who have

96 completed basic training and who are exempt from federal Fair Labor Standards Act guidelines  
97 may receive supplemental pay as provided in this section.

98         The authority of the superintendent to propose a legislative rule or amendment thereto for  
99 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours  
100 per month which constitute the standard pay period for the members of the West Virginia State  
101 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the  
102 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess  
103 of the standard pay period. The superintendent shall certify at least twice per month to the West  
104 Virginia State Police payroll officer the names of those members who have worked in excess of  
105 the standard pay period and the amount of their entitlement to supplemental payment. The  
106 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian  
107 employees of the West Virginia State Police are not eligible for any supplemental payments.

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

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

121         (j) Any member of the West Virginia State Police who is called to perform active duty

122 training or inactive duty training in the National Guard or any reserve component of the armed  
123 forces of the United States annually shall be granted, upon request, leave time not to exceed 30  
124 calendar days for the purpose of performing the active duty training or inactive duty training and  
125 the time granted may not be deducted from any leave accumulated as a member of the West  
126 Virginia State Police.

NOTE: The purpose of this bill is to increase the pay of new hires in training as well as the differentials between the supervisory ranks as well as the corresponding pay of administrative support specialists.

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