

SB 574

2008 MAR 27 PM 4:59

STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 574

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND CARUTH,
BY REQUEST OF THE EXECUTIVE)

[Passed March 7, 2008; in effect July 1, 2008.]

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SECRETARY OF STATE
STATE OF WEST VIRGINIA

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Senate Bill No. 574

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND CARUTH,
BY REQUEST OF THE EXECUTIVE)

[Passed March 7, 2008; to take effect July 1, 2008.]

An ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to the compensation of the membership of the West Virginia State Police.

Be it enacted by the Legislature of West Virginia:

That §15-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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
2 Virginia State Police a system to provide for: The
3 promotion of members to the supervisory ranks of
4 sergeant, first sergeant, second lieutenant and first
5 lieutenant; the classification of nonsupervisory members
6 within the field operations force to the ranks of trooper,
7 senior trooper, trooper first class or corporal; the
8 classification of members assigned to the forensic
9 laboratory as criminalist I-VII; and the temporary
10 reclassification of members assigned to administrative
11 duties as administrative support specialist I-VIII.

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

18 (c) The superintendent shall provide to each member
19 a written manual governing any system established
20 under the provisions of this section and specific
21 procedures shall be identified for the evaluation and
22 testing of members for promotion or reclassification and
23 the subsequent placement of any members on a
24 promotional eligibility or reclassification
25 recommendation list.

26 (d) Beginning on the first day of July, two thousand
27 seven, until and including the thirtieth day of June, two
28 thousand eight, members shall receive annual salaries as
29 follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)
SUPERVISORY AND NONSUPERVISORY RANKS**

1	Cadet During Training	\$2,550.50 Mo.	\$30,606
2	Cadet Trooper After Training . .	3,138.17 Mo.	37,658
3	Trooper Second Year		39,122
4	Trooper Third Year		39,494
5	Senior Trooper		39,882
6	Trooper First Class		40,470
7	Corporal		41,058
8	Sergeant		45,234
9	First Sergeant		47,322
10	Second Lieutenant		49,410
11	First Lieutenant		51,498
12	Captain		53,586
13	Major		55,674
14	Lieutenant Colonel		57,762

**ANNUAL SALARY SCHEDULE (BASE PAY)
ADMINISTRATION SUPPORT
SPECIALIST CLASSIFICATION**

1	I	.....	\$39,494
2	II	.....	39,882
3	III	.....	40,470
4	IV	.....	41,058
5	V	.....	45,234
6	VI	.....	47,322
7	VII	.....	49,410
8	VIII	.....	51,498

**ANNUAL SALARY SCHEDULE (BASE PAY)
CRIMINALIST CLASSIFICATION**

1	I	.....	\$39,494
2	II	.....	39,882
3	III	.....	40,470
4	IV	.....	41,058
5	V	.....	45,244
6	VI	.....	47,322
7	VII	.....	49,410
8	VIII	.....	51,498

9 Beginning on the first day of July, two thousand eight,
10 and continuing thereafter, members shall receive annual
11 salaries as follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)
SUPERVISORY AND NONSUPERVISORY RANKS**

1	Cadet During Training	\$ 2,752 Mo.	\$ 33,024
2	Cadet Trooper After Training . .	3,357.33 Mo.	40,288
3	Trooper Second Year		41,296
4	Trooper Third Year		41,679
5	Senior Trooper		42,078
6	Trooper First Class		42,684
7	Corporal		43,290
8	Sergeant		47,591
9	First Sergeant		49,742
10	Second Lieutenant		51,892
11	First Lieutenant		54,043
12	Captain		56,194
13	Major		58,344
14	Lieutenant Colonel		60,495

**ANNUAL SALARY SCHEDULE (BASE PAY)
ADMINISTRATION SUPPORT
SPECIALIST CLASSIFICATION**

1	I	.....	\$ 41,679
2	II	.....	42,078
3	III	.....	42,684
4	IV	.....	43,290
5	V	.....	47,591
6	VI	.....	49,742
7	VII	.....	51,892
8	VIII	.....	54,043

**ANNUAL SALARY SCHEDULE (BASE PAY)
CRIMINALIST CLASSIFICATION**

1	I	.....	\$ 41,679
2	II	.....	42,078
3	III	.....	42,684
4	IV	.....	43,290
5	V	.....	47,591
6	VI	.....	49,742

7 VII 51,892

8 VIII 54,043

9 Each member of the West Virginia State Police whose
 10 salary is fixed and specified in this annual salary
 11 schedule is entitled to the length of service increases set
 12 forth in subsection (e) of this section and supplemental
 13 pay as provided in subsection (g) of this section.

14 (e) Each member of the West Virginia State Police
 15 whose salary is fixed and specified pursuant to this
 16 section shall receive, and is entitled to, an increase in
 17 salary over that set forth in subsection (d) of this section
 18 for grade in rank, based on length of service, including
 19 that service served before and after the effective date of
 20 this section with the West Virginia State Police as
 21 follows: At the end of two years of service with the West
 22 Virginia State Police, the member shall receive a salary
 23 increase of four hundred dollars to be effective during
 24 his or her next year of service and a like increase at
 25 yearly intervals thereafter, with the increases to be
 26 cumulative.

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

34 (g) The Legislature finds and declares that because of
 35 the unique duties of members of the West Virginia State
 36 Police, it is not appropriate to apply the provisions of

37 state wage and hour laws to them. Accordingly,
38 members of the West Virginia State Police are excluded
39 from the provisions of state wage and hour law. This
40 express exclusion shall not be construed as any
41 indication that the members were or were not covered
42 by the wage and hour law prior to this exclusion.

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

50 The authority of the superintendent to propose a
51 legislative rule or amendment thereto for promulgation
52 in accordance with article three, chapter twenty-nine-a
53 of this code to establish the number of hours per month
54 which constitute the standard work month for the
55 members of the West Virginia State Police is hereby
56 continued. The rule shall further establish, on a
57 graduated hourly basis, the criteria for receipt of a
58 portion or all of supplemental payment when hours are
59 worked in excess of the standard work month. The
60 superintendent shall certify monthly to the West
61 Virginia State Police's payroll officer the names of those
62 members who have worked in excess of the standard
63 work month and the amount of their entitlement to
64 supplemental payment. The supplemental payment may
65 not exceed two hundred thirty-six dollars monthly. The
66 superintendent and civilian employees of the West
67 Virginia State Police are not eligible for any
68 supplemental payments.

69 (h) Each member of the West Virginia State Police,
70 except the superintendent and civilian employees, shall
71 execute, before entering upon the discharge of his or her
72 duties, a bond with security in the sum of five thousand
73 dollars payable to the State of West Virginia,
74 conditioned upon the faithful performance of his or her
75 duties, and the bond shall be approved as to form by the
76 Attorney General and as to sufficiency by the Governor.

77 (i) In consideration for compensation paid by the West
78 Virginia State Police to its members during those
79 members' participation in the West Virginia State Police
80 Cadet Training Program pursuant to section eight,
81 article twenty-nine, chapter thirty of this code, the West
82 Virginia State Police may require of its members by
83 written agreement entered into with each of them in
84 advance of such participation in the program that, if a
85 member should voluntarily discontinue employment any
86 time within one year immediately following completion
87 of the training program, he or she shall be obligated to
88 pay to the West Virginia State Police a pro rata portion
89 of such compensation equal to that part of such year
90 which the member has chosen not to remain in the
91 employ of the West Virginia State Police.

92 (j) Any member of the West Virginia State Police who
93 is called to perform active duty training or inactive duty
94 training in the National Guard or any reserve
95 component of the armed forces of the United States
96 annually shall be granted, upon request, leave time not
97 to exceed thirty calendar days for the purpose of
98 performing the active duty training or inactive duty
99 training and the time granted may not be deducted from
100 any leave accumulated as a member of the West Virginia
101 State Police.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Handwritten signature
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Chairman Senate Committee

Handwritten signature
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Chairman House Committee

Originated in the Senate.

To take effect July 1, 2008.

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Clerk of the Senate

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Clerk of the House of Delegates

Handwritten signature
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President of the Senate

Handwritten signature
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Speaker House of Delegates

The within *is approved* this
the *27th* Day of *May*, 2008.

Handwritten signature
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 1 8 2008

Time 3:10 pm