

Senate Bill No. 421

(By Senators Unger, Snyder, Kessler (Acting President), D.
Facemire, Williams, Beach and Sypolt)

[Introduced February 4, 2011; referred to the Committee on
Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July 1, 2015; and increasing the salary increase received at the end of two years of service with the West Virginia State Police to \$580.

Be it enacted by the Legislature of West Virginia:

That §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-3. State police structure; how established.

(a) The superintendent shall create, appoint and equip the State Police which shall consist of the number of troops, districts and detachments required for the proper administration of the State Police. Each troop, district or detachment shall be composed of

1 the number of officers and members the superintendent determines
2 are necessary to meet operational needs and are required for the
3 efficient operation of the State Police.

4 (b) Notwithstanding the provisions of any other section of
5 this code and pursuant to amendments made to this section during
6 the 2011 regular session of the Legislature, the superintendent
7 shall implement a program to increase the number of state troopers
8 in the state to attain and maintain a minimum number of eight
9 hundred state troopers by July 1, 2015.

10 (c) The superintendent shall establish the general
11 organizational structure of the State Police by interpretive rule
12 in accordance with the provisions of article three, chapter twenty-
13 nine-a of this code. The superintendent shall provide adequate
14 facilities for the training of all members of the State Police and
15 shall prescribe basic training requirements for newly enlisted
16 members. He or she shall also provide advanced or in-service
17 training from time to time for all members of the State Police.
18 The superintendent shall hold training classes for other peace
19 officers in the state without cost to those officers, except actual
20 expenses for food, lodging and school supplies.

21 **§15-2-5. Career progression system; salaries; exclusion from wages**
22 **and hour law, with supplemental payment; bond; leave**
23 **time for members called to duty in guard or reserves.**

24 (a) The superintendent shall establish within the West

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

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

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

21 (d) Beginning on July 1, 2007, until and including June 30,
22 2008, members shall receive annual salaries as follows:

23 **ANNUAL SALARY SCHEDULE (BASE PAY)**

24 **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

15 **ANNUAL SALARY SCHEDULE (BASE PAY)**

16 **ADMINISTRATION SUPPORTSPECIALIST CLASSIFICATION**

17	I..		\$39,494
18	II		39,882
19	III..		40,470
20	IV		41,058
21	V..		45,234
22	VI		47,322
23	VII..		49,410
24	VIII		51,498

1 **ANNUAL SALARY SCHEDULE (BASE PAY)**

2 **CRIMINALIST CLASSIFICATION**

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

11 Beginning on July 1, 2008, and continuing thereafter, members
12 shall receive annual salaries as follows:

13 **ANNUAL SALARY SCHEDULE (BASE PAY)**

14 **SUPERVISORY AND NONSUPERVISORY RANKS**

15	Cadet During Training..	\$ 2,752 Mo.	\$ 33,024
16	Cadet Trooper After Training.	3,357.33 Mo.	40,288
17	Trooper Second Year..		41,296
18	Trooper Third Year.		41,679
19	Senior Trooper.		42,078
20	Trooper First Class..		42,684
21	Corporal.		43,290
22	Sergeant.		47,591
23	First Sergeant.		49,742
24	Second Lieutenant..		51,892

1	First Lieutenant.	54,043
2	Captain.. . . .	56,194
3	Major.. . . .	58,344
4	Lieutenant Colonel.	60,495

5 **ANNUAL SALARY SCHEDULE (BASE PAY)**

6 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

7	I..	\$ 41,679
8	II	42,078
9	III.. . . .	42,684
10	IV	43,290
11	V..	47,591
12	VI	49,742
13	VII.. . . .	51,892
14	VIII	54,043

15 **ANNUAL SALARY SCHEDULE (BASE PAY)**

16 **CRIMINALIST CLASSIFICATION**

17	I..	\$ 41,679
18	II	42,078
19	III.. . . .	42,684
20	IV	43,290
21	V..	47,591
22	VI	49,742
23	VII.. . . .	51,892
24	VIII	54,043

1 Each member of the West Virginia State Police whose salary is
2 fixed and specified in this annual salary schedule is entitled to
3 the length of service increases set forth in subsection (e) of this
4 section and supplemental pay as provided in subsection (g) of this
5 section.

6 (e) Each member of the West Virginia State Police whose salary
7 is fixed and specified pursuant to this section shall receive, and
8 is entitled to, an increase in salary over that set forth in
9 subsection (d) of this section for grade in rank, based on length
10 of service, including that service served before and after the
11 effective date of this section with the West Virginia State Police
12 as follows: At the end of two years of service with the West
13 Virginia State Police, the member shall receive a salary increase
14 of ~~\$400~~ \$580 to be effective during his or her next year of service
15 and a like increase at yearly intervals thereafter, with the
16 increases to be cumulative.

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

23 (g) The Legislature finds and declares that because of the
24 unique duties of members of the West Virginia State Police, it is

1 not appropriate to apply the provisions of state wage and hour laws
2 to them. Accordingly, members of the West Virginia State Police
3 are excluded from the provisions of state wage and hour law. This
4 express exclusion shall not be construed as any indication that the
5 members were or were not covered by the wage and hour law prior to
6 this exclusion.

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

13 The authority of the superintendent to propose a legislative
14 rule or amendment thereto for promulgation in accordance with
15 article three, chapter twenty-nine-a of this code to establish the
16 number of hours per month which constitute the standard work month
17 for the members of the West Virginia State Police is hereby
18 continued. The rule shall further establish, on a graduated hourly
19 basis, the criteria for receipt of a portion or all of supplemental
20 payment when hours are worked in excess of the standard work month.
21 The superintendent shall certify monthly to the West Virginia State
22 Police's payroll officer the names of those members who have worked
23 in excess of the standard work month and the amount of their
24 entitlement to supplemental payment. The supplemental payment may

1 not exceed \$236 monthly. The superintendent and civilian employees
2 of the West Virginia State Police are not eligible for any
3 supplemental payments.

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

11 (i) In consideration for compensation paid by the West
12 Virginia State Police to its members during those members'
13 participation in the West Virginia State Police Cadet Training
14 Program pursuant to section eight, article twenty-nine, chapter
15 thirty of this code, the West Virginia State Police may require of
16 its members by written agreement entered into with each of them in
17 advance of such participation in the program that, if a member
18 should voluntarily discontinue employment any time within one year
19 immediately following completion of the training program, he or she
20 shall be obligated to pay to the West Virginia State Police a pro
21 rata portion of such compensation equal to that part of such year
22 which the member has chosen not to remain in the employ of the West
23 Virginia State Police.

24 (j) Any member of the West Virginia State Police who is called

1 to perform active duty training or inactive duty training in the
2 National Guard or any reserve component of the Armed Forces of the
3 United States annually shall be granted, upon request, leave time
4 not to exceed thirty calendar days for the purpose of performing
5 the active duty training or inactive duty training and the time
6 granted may not be deducted from any leave accumulated as a member
7 of the West Virginia State Police.

NOTE: The purpose of this bill is to provide for an increase and establish a minimum number of troopers to provide basic law enforcement services. The bill further provides that members of the West Virginia State Police shall receive a \$580 salary increase at the end of two years of service.

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