

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4281**

4 (By Delegates White, Miley, Hunt, Poore, Skaiff, Moore,
5 Fleischauer and Sobonya)
6

7 (Originating in the Committee on Finance)

8 [February 22, 2012]
9

10 A BILL to amend and reenact §15-2-5 of the Code fo West Virginia,
11 1931, as amended, relating to the supplemental pay of members
12 of the West Virginia State Police.

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

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

16 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

17 **§15-2-5. Career progression system; salaries; exclusion from wages
18 and hour law, with supplemental payment; bond; leave
19 time for members called to duty in guard or reserves.**

20 (a) The superintendent shall establish within the West
21 Virginia State Police a system to provide for: The promotion of
22 members to the supervisory ranks of sergeant, first sergeant,
23 second lieutenant and first lieutenant; the classification of
24 nonsupervisory members within the field operations force to the
25 ranks of trooper, senior trooper, trooper first class or corporal;
26 the classification of members assigned to the forensic laboratory

1 as criminalist I-VIII; and the temporary reclassification of
2 members assigned to administrative duties as administrative support
3 specialist I-VIII.

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

9 (c) The superintendent shall provide to each member a written
10 manual governing any system established under the provisions of
11 this section and specific procedures shall be identified for the
12 evaluation and testing of members for promotion or reclassification
13 and the subsequent placement of any members on a promotional
14 eligibility or reclassification recommendation list.

15 (d) Beginning on July 1, 2008, through June 30, 2011, members
16 shall receive annual salaries as follows:

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19 Cadet During Training	\$ 2,752 Mo.	\$ 33,024
20 Cadet Trooper After Training	3,357.33 Mo.	40,288
21 Trooper Second Year	41,296	
22 Trooper Third Year	41,679	
23 Senior Trooper	42,078	
24 Trooper First Class	42,684	
25 Corporal	43,290	

1 Sergeant 47,591
2 First Sergeant 49,742
3 Second Lieutenant 51,892
4 First Lieutenant 54,043
5 Captain 56,194
6 Major 58,344
7 Lieutenant Colonel 60,495

8 ANNUAL SALARY SCHEDULE (BASE PAY)

9 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

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

18 ANNUAL SALARY SCHEDULE (BASE PAY)

19 CRIMINALIST CLASSIFICATION

20 I \$ 41,679
21 II 42,078
22 III 42,684
23 IV 43,290
24 V 47,591
25 VI 49,742

1 VII 51,892

2 VIII 54,043

3 Beginning on July 1, 2011, and continuing thereafter, members
4 shall receive annual salaries as follows:

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

6 **SUPERVISORY AND NONSUPERVISORY RANKS**

7 Cadet During Training \$ 2,833 Mo. \$ 33,994

8 Cadet Trooper After Training \$ 3,438 Mo. \$ 41,258

9 Trooper Second Year 42,266

10 Trooper Third Year 42,649

11 Senior Trooper 43,048

12 Trooper First Class 43,654

13 Corporal 44,260

14 Sergeant 48,561

15 First Sergeant 50,712

16 Second Lieutenant 52,862

17 First Lieutenant 55,013

18 Captain 57,164

19 Major 59,314

20 Lieutenant Colonel 61,465

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

22 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

23 I 42,266

24 II 43,048

25 III 43,654

1	IV	44,260
2	V	48,561
3	VI	50,712
4	VII	52,862
5	VIII	55,013

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

7 **CRIMINALIST CLASSIFICATION**

8	I	42,266
9	II	43,048
10	III	43,654
11	IV	44,260
12	V	48,561
13	VI	50,712
14	VII	52,862
15	VIII	55,013

16 Each member of the West Virginia State Police whose salary is
 17 fixed and specified in this annual salary schedule is entitled to
 18 the length of service increases set forth in subsection (e) of this
 19 section and supplemental pay as provided in subsection (g) of this
 20 section.

21 (e) Each member of the West Virginia State Police whose salary
 22 is fixed and specified pursuant to this section shall receive, and
 23 is entitled to, an increase in salary over that set forth in
 24 subsection (d) of this section for grade in rank, based on length
 25 of service, including that service served before and after the
 26 effective date of this section with the West Virginia State Police

1 as follows: At the end of two years of service with the West
2 Virginia State Police, the member shall receive a salary increase
3 of \$400 to be effective during his or her next year of service and
4 a like increase at yearly intervals thereafter, with the increases
5 to be cumulative.

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

12 (g) The Legislature finds and declares that because of the
13 unique duties of members of the West Virginia State Police, it is
14 not appropriate to apply the provisions of state wage and hour laws
15 to them. Accordingly, members of the West Virginia State Police
16 are excluded from the provisions of state wage and hour law. This
17 express exclusion shall not be construed as any indication that the
18 members were or were not covered by the wage and hour law prior to
19 this exclusion.

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

26 The authority of the superintendent to propose a legislative

1 rule or amendment thereto for promulgation in accordance with
2 article three, chapter twenty-nine-a of this code to establish the
3 number of hours per month which constitute the standard work month
4 for the members of the West Virginia State Police is hereby
5 continued. The rule shall further establish, on a graduated hourly
6 basis, the criteria for receipt of a portion or all of supplemental
7 payment when hours are worked in excess of the standard work month.
8 The superintendent shall certify monthly to the West Virginia State
9 Police's payroll officer the names of those members who have worked
10 in excess of the standard work month and the amount of their
11 entitlement to supplemental payment. The supplemental payment may
12 not exceed ~~\$236~~ \$300 monthly. The superintendent and civilian
13 employees of the West Virginia State Police are not eligible for
14 any supplemental payments.

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

22 (i) In consideration for compensation paid by the West
23 Virginia State Police to its members during those members'
24 participation in the West Virginia State Police Cadet Training
25 Program pursuant to section eight, article twenty-nine, chapter
26 thirty of this code, the West Virginia State Police may require of

1 its members by written agreement entered into with each of them in
2 advance of such participation in the program that, if a member
3 should voluntarily discontinue employment any time within one year
4 immediately following completion of the training program, he or she
5 shall be obligated to pay to the West Virginia State Police a pro
6 rata portion of such compensation equal to that part of such year
7 which the member has chosen not to remain in the employ of the West
8 Virginia State Police.

9 (j) Any member of the West Virginia State Police who is called
10 to perform active duty training or inactive duty training in the
11 National Guard or any reserve component of the Armed Forces of the
12 United States annually shall be granted, upon request, leave time
13 not to exceed thirty calendar days for the purpose of performing
14 the active duty training or inactive duty training and the time
15 granted may not be deducted from any leave accumulated as a member
16 of the West Virginia State Police.