

E N G R O S S E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4281

(BY DELEGATES WHITE, MILEY, HUNT, POORE,
SKAFF, MOORE, FLEISCHAUER AND SOBONYA)

(Originating in the Committee on Finance)
[February 22, 2012]

A BILL to amend and reenact §15-2-5 of the Code of West Virginia,
1931, as amended, relating to the supplemental pay of members
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 promotion
3 of members to the supervisory ranks of sergeant, first sergeant,
4 second lieutenant and first lieutenant; the classification of
5 nonsupervisory members within the field operations force to
6 the ranks of trooper, senior trooper, trooper first class or
7 corporal; the classification of members assigned to the forensic
8 laboratory as criminalist I-VIII; and the temporary
9 reclassification of members assigned to administrative duties
10 as administrative support specialist I-VIII.

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

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

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

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

26 **SUPERVISORY AND NONSUPERVISORY RANKS**

27	Cadet During Training	\$ 2,752 Mo.	\$ 33,024
28	Cadet Trooper After Training	3,357.33 Mo.	40,288
29	Trooper Second Year		41,296
30	Trooper Third Year		41,679
31	Senior Trooper		42,078
32	Trooper First Class		42,684
33	Corporal		43,290

34	Sergeant	47,591
35	First Sergeant	49,742
36	Second Lieutenant	51,892
37	First Lieutenant	54,043
38	Captain	56,194
39	Major	58,344
40	Lieutenant Colonel	60,495

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

42 **ADMINISTRATION SUPPORT SPECIALIST**

43 **CLASSIFICATION**

44	I	\$ 41,679
45	II	42,078
46	III	42,684
47	IV	43,290
48	V	47,591
49	VI	49,742
50	VII	51,892
51	VIII	54,043

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

53 **CRIMINALIST CLASSIFICATION**

54	I	\$ 41,679
55	II	42,078
56	III	42,684
57	IV	43,290
58	V	47,591
59	VI	49,742
60	VII	51,892
61	VIII	54,043

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

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

65 **SUPERVISORY AND NONSUPERVISORY RANKS**

66	Cadet During Training	\$ 2,833 Mo. \$ 33,994
67	Cadet Trooper After Training	\$ 3,438 Mo. \$ 41,258
68	Trooper Second Year	42,266
69	Trooper Third Year	42,649
70	Senior Trooper	43,048

71	Trooper First Class	43,654
72	Corporal	44,260
73	Sergeant	48,561
74	First Sergeant	50,712
75	Second Lieutenant	52,862
76	First Lieutenant	55,013
77	Captain	57,164
78	Major	59,314
79	Lieutenant Colonel	61,465

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

81 **ADMINISTRATION SUPPORT SPECIALIST**

82 **CLASSIFICATION**

83	I	42,266
84	II	43,048
85	III	43,654
86	IV	44,260
87	V	48,561
88	VI	50,712
89	VII	52,862
90	VIII	55,013

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

92 **CRIMINALIST CLASSIFICATION**

93	I	42,266
94	II	43,048
95	III	43,654
96	IV	44,260
97	V	48,561
98	VI	50,712
99	VII	52,862
100	VIII	55,013

101 Each member of the West Virginia State Police whose
102 salary is fixed and specified in this annual salary schedule is
103 entitled to the length of service increases set forth in
104 subsection (e) of this section and supplemental pay as
105 provided in subsection (g) of this section.

106 (e) Each member of the West Virginia State Police whose
107 salary is fixed and specified pursuant to this section shall
108 receive, and is entitled to, an increase in salary over that set
109 forth in subsection (d) of this section for grade in rank, based

110 on length of service, including that service served before and
111 after the effective date of this section with the West Virginia
112 State Police as follows: At the end of two years of service
113 with the West Virginia State Police, the member shall receive
114 a salary increase of \$400 to be effective during his or her
115 next year of service and a like increase at yearly intervals
116 thereafter, with the increases to be cumulative.

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

124 (g) The Legislature finds and declares that because of the
125 unique duties of members of the West Virginia State Police,
126 it is not appropriate to apply the provisions of state wage and
127 hour laws to them. Accordingly, members of the West
128 Virginia State Police are excluded from the provisions of

129 state wage and hour law. This express exclusion shall not be
 130 construed as any indication that the members were or were
 131 not covered by the wage and hour law prior to this exclusion.

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

138 The authority of the superintendent to propose a
 139 legislative rule or amendment thereto for promulgation in
 140 accordance with article three, chapter twenty-nine-a of this
 141 code to establish the number of hours per month which
 142 constitute the standard work month for the members of the
 143 West Virginia State Police is hereby continued. The rule
 144 shall further establish, on a graduated hourly basis, the
 145 criteria for receipt of a portion or all of supplemental
 146 payment when hours are worked in excess of the standard
 147 work month. The superintendent shall certify monthly to the

148 West Virginia State Police's payroll officer the names of
149 those members who have worked in excess of the standard
150 work month and the amount of their entitlement to
151 supplemental payment. The supplemental payment may not
152 exceed ~~\$236~~ \$400 monthly. The superintendent and civilian
153 employees of the West Virginia State Police are not eligible
154 for any supplemental payments.

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

163 (i) In consideration for compensation paid by the West
164 Virginia State Police to its members during those members'
165 participation in the West Virginia State Police Cadet Training
166 Program pursuant to section eight, article twenty-nine,

167 chapter thirty of this code, the West Virginia State Police
 168 may require of its members by written agreement entered into
 169 with each of them in advance of such participation in the
 170 program that, if a member should voluntarily discontinue
 171 employment any time within one year immediately following
 172 completion of the training program, he or she shall be
 173 obligated to pay to the West Virginia State Police a pro rata
 174 portion of such compensation equal to that part of such year
 175 which the member has chosen not to remain in the employ of
 176 the West Virginia State Police.

177 (j) Any member of the West Virginia State Police who is
 178 called to perform active duty training or inactive duty
 179 training in the National Guard or any reserve component of
 180 the Armed Forces of the United States annually shall be
 181 granted, upon request, leave time not to exceed thirty
 182 calendar days for the purpose of performing the active duty
 183 training or inactive duty training and the time granted may
 184 not be deducted from any leave accumulated as a member of
 185 the West Virginia State Police.