Т	Senate Bill No. 126
2	(By Senators Unger, Kessler (Mr. President), Miller, Williams,
3	Boley and Beach)
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5	[Introduced February 13, 2013; referred to the Committee on
6	Government Organization; and then to the Committee on Finance.]
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L1	A BILL to amend and reenact $\$15\text{-}2\text{-}3$ and $\$15\text{-}2\text{-}5$ of the Code of West
L2	Virginia, 1931, as amended, all relating to maintaining a
L3	minimum of eight hundred state troopers by July 1, 2017; and
L 4	requiring members of the West Virginia State Police to receive
L 5	a \$580 salary increase at the beginning of their first year of
L 6	service.
L 7	Be it enacted by the Legislature of West Virginia:
L 8	That $$15-2-3$ and $15-2-5$ of the Code of West Virginia, 1931,$
L 9	as amended, be amended and reenacted, all to read as follows:
20	ARTICLE 2. WEST VIRGINIA STATE POLICE.
21	§15-2-3. State Police structure; how established.
22	(a) The superintendent shall create, appoint and equip the
23	State Police which shall consist of the number of troops, districts
2/1	and detachments required for the proper administration of the State

- 1 Police. Each troop, district or detachment shall be composed of
- 2 the number of officers and members the superintendent determines
- 3 are necessary to meet operational needs and are required for the
- 4 efficient operation of the State Police.
- 5 (b) Notwithstanding the provisions of any other section of
- 6 this code and pursuant to amendments made to this section during
- 7 the 2013 regular session of the Legislature, the superintendent
- 8 shall implement a program to increase the number of state troopers
- 9 in the state to attain and maintain a minimum number of eight
- 10 hundred state troopers by July 1, 2017.
- 11 (c) The superintendent shall establish the general
- 12 organizational structure of the State Police by interpretive rule
- 13 in accordance with the provisions of article three, chapter
- 14 twenty-nine-a of this code. The superintendent shall provide
- 15 adequate facilities for the training of all members of the State
- 16 Police and shall prescribe basic training requirements for newly
- 17 enlisted members. He or she shall also provide advanced or
- 18 in-service training from time to time for all members of the State
- 19 Police. The superintendent shall hold training classes for other
- 20 peace officers in the state without cost to those officers, except
- 21 actual expenses for food, lodging and school supplies.
- 22 §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 quard or reserves.

- 1 (a) The superintendent shall establish within the West
- 2 Virginia State Police a system to provide for: The promotion of
- 3 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 the
- 6 ranks of trooper, senior trooper, trooper first class or corporal;
- 7 the classification of members assigned to the forensic laboratory
- 8 as criminalist I-VIII; and the temporary reclassification of
- 9 members assigned to administrative duties as administrative support
- 10 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 consistency,
- 14 predictability and independent review of any system developed under
- 15 the provisions of this section.
- 16 (c) The superintendent shall provide to each member a written
- 17 manual governing any system established under the provisions of
- 18 this section and specific procedures shall be identified for the
- 19 evaluation and testing of members for promotion or reclassification
- 20 and the subsequent placement of any members on a promotional
- 21 eligibility or reclassification recommendation list.
- 22 (d) Beginning on July 1, 2008, through June 30, 2011, members
- 23 shall receive annual salaries as follows:
- 24 ANNUAL SALARY SCHEDULE (BASE PAY)

1	SUPERVISORY AND NONSUPERVISORY RANKS.	
2	Cadet During Training \$ 2,752 Mo. \$	33,024
3	Cadet Trooper After Training 3,357.33 Mo.	40,288
4	Trooper Second Year	41,296
5	Trooper Third Year	41,679
6	Senior Trooper	42,078
7	Trooper First Class	42,684
8	Corporal	43,290
9	Sergeant	47,591
10	First Sergeant	49,742
11	Second Lieutenant	51,892
12	First Lieutenant	54,043
13	Captain	56,194
14	Major	58,344
15	Lieutenant Colonel	60,495
16	ANNUAL SALARY SCHEDULE (BASE PAY)	
17	ADMINISTRATION SUPPORT	
18	SPECIALIST CLASSIFICATION.	
19	I \$	41,679
20	II	42,078
21	III	42,684
22	IV	43,290
23	V	47,591

1	VI	49,742
2	VII	51,892
3	VIII	54,043
4	ANNUAL SALARY SCHEDULE (BASE PAY)	
5	CRIMINALIST CLASSIFICATION.	
6	I	41,679
7	II	42,078
8	III	42,684
9	IV	43,290
10	V	47,591
11	VI	49,742
12	VII	51,892
13	VIII	54,043
14	Beginning on July 1, 2011, and continuing thereafter,	nembers
15	shall receive annual salaries as follows:	
16	ANNUAL SALARY SCHEDULE (BASE PAY)	
17	SUPERVISORY AND NONSUPERVISORY RANKS.	
18	Cadet During Training \$ 2,833 Mo. \$	33,994
19	Cadet Trooper After Training \$ 3,438 Mo. \$	41,258
20	Trooper Second Year	42,266
21	Trooper Third Year	42,649
22	Senior Trooper	43,048
23	Trooper First Class	43,654
24	Corporal	44,260

1	Sergeant	48,561
2	First Sergeant	50,712
3	Second Lieutenant	52,862
4	First Lieutenant	55,013
5	Captain	57,164
6	Major	59,314
7	Lieutenant Colonel	61,465
8	ANNUAL SALARY SCHEDULE (BASE PAY)	
9	ADMINISTRATION SUPPORT	
10	SPECIALIST CLASSIFICATION.	
11	I	42,266
12	II	43,048
13	III	43,654
14	IV	44,260
15	V	48,561
16	VI	50,712
17	VII	52,862
18	VIII	55,013
19	ANNUAL SALARY SCHEDULE (BASE PAY)	
20	CRIMINALIST CLASSIFICATION.	
21	I	42,266
22	II	43,048
23	TTT	43.654

1	IV	44,260
2	V	48 , 561
3	VI	50 , 712
4	VII	52 , 862
5	VIII	55,013
6	Each member of the West Virginia State Police whose sale	ary is
7	fixed and specified in this annual salary schedule is entit	led to
8	the length of service increases set forth in subsection (e) o	f this
9	section and supplemental pay as provided in subsection (g) o	f this
10	section.	

- (e) Each member of the West Virginia State Police whose salary is fixed and specified pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section for grade in rank, based on length of service, including that service served before and after the effective date of this section with the West Virginia State Police as follows: At the end of two years beginning of the first year of service with the West Virginia State Police, the member shall receive a salary increase of \$400 to be effective during his or her next year of service \$580 and a like increase at yearly intervals thereafter, with the increases to be cumulative.
- 22 (f) In applying the salary schedules set forth in this section 23 where salary increases are provided for length of service, members 24 of the West Virginia State Police in service at the time the

- 1 schedules become effective shall be given credit for prior service
- 2 and shall be paid the salaries the same length of service entitles
- 3 them to receive under the provisions of this section.
- 4 (g) The Legislature finds and declares that because of the
- 5 unique duties of members of the West Virginia State Police, it is
- 6 not appropriate to apply the provisions of state wage and hour laws
- 7 to them. Accordingly, members of the West Virginia State Police
- 8 are excluded from the provisions of state wage and hour law. This
- 9 express exclusion shall not be construed as any indication that the
- 10 members were or were not covered by the wage and hour law prior to
- 11 this exclusion.
- 12 In lieu of any overtime pay they might otherwise have received
- 13 under the wage and hour law, and in addition to their salaries and
- 14 increases for length of service, members who have completed basic
- 15 training and who are exempt from federal Fair Labor Standards Act
- 16 guidelines may receive supplemental pay as provided in this
- 17 section.
- The authority of the superintendent to propose a legislative
- 19 rule or amendment thereto for promulgation in accordance with
- 20 article three, chapter twenty-nine-a of this code to establish the
- 21 number of hours per month which constitute the standard work month
- 22 for the members of the West Virginia State Police is hereby
- 23 continued. The rule shall further establish, on a graduated hourly
- 24 basis, the criteria for receipt of a portion or all of supplemental

- 1 payment when hours are worked in excess of the standard work month.
- 2 The superintendent shall certify monthly to the West Virginia State
- 3 Police's payroll officer the names of those members who have worked
- 4 in excess of the standard work month and the amount of their
- 5 entitlement to supplemental payment. The supplemental payment may
- 6 not exceed \$400 \$236 monthly. The superintendent and civilian
- 7 employees of the West Virginia State Police are not eligible for
- 8 any supplemental payments.
- 9 (h) Each member of the West Virginia State Police, except the
- 10 superintendent and civilian employees, shall execute, before
- 11 entering upon the discharge of his or her duties, a bond with
- 12 security in the sum of \$5,000 payable to the State of West
- 13 Virginia, conditioned upon the faithful performance of his or her
- 14 duties, and the bond shall be approved as to form by the Attorney
- 15 General and as to sufficiency by the Governor.
- 16 (i) In consideration for compensation paid by the West
- 17 Virginia State Police to its members during those members'
- 18 participation in the West Virginia State Police Cadet Training
- 19 Program pursuant to section eight, article twenty-nine, chapter
- 20 thirty of this code, the West Virginia State Police may require of
- 21 its members by written agreement entered into with each of them in
- 22 advance of such participation in the program that, if a member
- 23 should voluntarily discontinue employment any time within one year
- 24 immediately following completion of the training program, he or she

- 1 shall be obligated to pay to the West Virginia State Police a pro
- 2 rata portion of such compensation equal to that part of such year
- 3 which the member has chosen not to remain in the employ of the West
- 4 Virginia State Police.
- 5 (j) Any member of the West Virginia State Police who is called
- 6 to perform active duty training or inactive duty training in the
- 7 National Guard or any reserve component of the Armed Forces of the
- 8 United States annually shall be granted, upon request, leave time
- 9 not to exceed thirty calendar days for the purpose of performing
- 10 the active duty training or inactive duty training and the time
- 11 granted may not be deducted from any leave accumulated as a member
- 12 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 beginning of service.

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