

Senate Bill No. 201

(By Senators Unger, Jenkins, Cann, Plymale and Williams)

[Introduced January 8, 2014; referred to the Committee on
Government Organization; and then 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, 2019; and requiring members of the West Virginia State Police to receive a \$580 salary increase at the beginning of their first year of service and each year thereafter.

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

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 2014 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, 2019.

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**
23 **and hour law, with supplemental payment; bond; leave**

1 **time for members called to duty in guard or reserves.**

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

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

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

23 (d) Beginning on July 1, 2008, through June 30, 2011, members

1 shall receive annual salaries as follows:

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

3 **SUPERVISORY AND NONSUPERVISORY RANKS**

4	Cadet During Training..	\$ 2,752.00 Mo.	\$ 33,024
5	Cadet Trooper After Training.	3,357.33 Mo.	40,288
6	Trooper Second Year..		41,296
7	Trooper Third Year.		41,679
8	Senior Trooper.		42,078
9	Trooper First Class..		42,684
10	Corporal.		43,290
11	Sergeant.		47,591
12	First Sergeant.		49,742
13	Second Lieutenant..		51,892
14	First Lieutenant.		54,043
15	Captain..		56,194
16	Major..		58,344
17	Lieutenant Colonel.		60,495

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

19 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

20	I..	\$ 41,679
21	II	42,078
22	III..	42,684
23	IV	43,290

1	V..	47,591
2	VI	49,742
3	VII.. . . .	51,892
4	VIII	54,043

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

6 **CRIMINALIST 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 Beginning on July 1, 2011, and continuing thereafter, members
16 shall receive annual salaries as follows:

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19	Cadet During Training.. . . .	\$ 2,833 Mo.	\$ 33,994
20	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
21	Trooper Second Year.. . . .		42,266
22	Trooper Third Year.		42,649
23	Senior Trooper.		43,048

1 Trooper First Class..	43,654
2 Corporal.	44,260
3 Sergeant.	48,561
4 First Sergeant.	50,712
5 Second Lieutenant..	52,862
6 First Lieutenant.	55,013
7 Captain..	57,164
8 Major..	59,314
9 Lieutenant Colonel.	61,465

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

11 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

12 I..	42,266
13 II	43,048
14 III..	43,654
15 IV	44,260
16 V..	48,561
17 VI	50,712
18 VII..	52,862
19 VIII.	55,013

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

21 **CRIMINALIST CLASSIFICATION**

22 I..	42,266
23 II.	43,048

1 III.. 43,654
2 IV. 44,260
3 V.. 48,561
4 VI. 50,712
5 VII.. 52,862
6 VIII. 55,013

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

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

23 (f) In applying the salary schedules set forth in this section

1 where salary increases are provided for length of service, members
2 of the West Virginia State Police in service at the time the
3 schedules become effective shall be given credit for prior service
4 and shall be paid the salaries the same length of service entitles
5 them to receive under ~~the provisions of~~ this section.

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

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

20 The authority of the superintendent to propose a legislative
21 rule or amendment thereto for promulgation in accordance with
22 article three, chapter twenty-nine-a of this code to establish the
23 number of hours per month which constitute the standard work month

1 for the members of the West Virginia State Police is hereby
2 continued. The rule shall further establish, on a graduated hourly
3 basis, the criteria for receipt of a portion or all of supplemental
4 payment when hours are worked in excess of the standard work month.
5 The superintendent shall certify monthly to the West Virginia State
6 Police's payroll officer the names of those members who have worked
7 in excess of the standard work month and the amount of their
8 entitlement to supplemental payment. The supplemental payment may
9 not exceed \$400 monthly. The superintendent and civilian employees
10 of the West Virginia State Police are not eligible for any
11 supplemental payments.

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

19 (i) In consideration for compensation paid by the West
20 Virginia State Police to its members during those members'
21 participation in the West Virginia State Police Cadet Training
22 Program pursuant to section eight, article twenty-nine, chapter
23 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.

NOTE: The purpose of this bill is to provide for an increase and establish a minimum of eight hundred state troopers by July 1, 2019. The bill further provides that members of the West Virginia State Police shall receive a \$580 salary increase at the beginning of the first year of service and each year thereafter.

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