

**FILED**

**2014 MAR 28 P 5:47**

**OFFICE WEST VIRGINIA  
SECRETARY OF STATE**

**WEST VIRGINIA LEGISLATURE**  
**SECOND REGULAR SESSION, 2014**



**ENROLLED**

**House Bill No. 4256**

**(By Mr. Speaker, (Mr. Miley)  
and Delegate Armstead)  
(By Request of the Executive)**



**Passed March 8, 2014**

**In effect ninety days from passage.**

HB 4256

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**E N R O L L E D**

**H. B. 4256**

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**(BY MR. SPEAKER, (MR. MILEY)**

**AND DELEGATE ARMSTEAD)**

**[BY REQUEST OF THE EXECUTIVE]**

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**[Passed March 8, 2014; in effect ninety days from passage.]**

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**AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing the longevity pay for members of the 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 of**
- 3 members to the supervisory ranks of sergeant, first sergeant,**
- 4 second lieutenant and first lieutenant; the classification of**

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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  
10 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 consis-  
14 tency, predictability and independent review of any system  
15 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 promo-  
20 tion or reclassification and the subsequent placement of any  
21 members on a promotional eligibility or reclassification recom-  
22 mendation list.

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

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

26 **SUPERVISORY AND NONSUPERVISORY RANKS**

27	Cadet During Training.....	\$ 2,833 Mo.	\$ 33,994
28	Cadet Trooper After Training. ....	\$ 3,438 Mo.	\$ 41,258
29	Trooper Second Year.....		42,266
30	Trooper Third Year. ....		42,649
31	Senior Trooper.....		43,048
32	Trooper First Class.....		43,654
33	Corporal.....		44,260
34	Sergeant. ....		48,561

35 First Sergeant..... 50,712  
 36 Second Lieutenant..... 52,862  
 37 First Lieutenant..... 55,013  
 38 Captain..... 57,164  
 39 Major..... 59,314  
 40 Lieutenant Colonel..... 61,465

41 ANNUAL SALARY SCHEDULE (BASE PAY)

42 ADMINISTRATION SUPPORT SPECIALIST  
43 CLASSIFICATION

44 I ..... 42,266  
 45 II ..... 43,048  
 46 III ..... 43,654  
 47 IV ..... 44,260  
 48 V ..... 48,561  
 49 VI ..... 50,712  
 50 VII..... 52,862  
 51 VIII..... 55,013

52 ANNUAL SALARY SCHEDULE (BASE PAY)

53 CRIMINALIST CLASSIFICATION

54 I ..... 42,266  
 55 II ..... 43,048  
 56 III ..... 43,654  
 57 IV ..... 44,260  
 58 V ..... 48,561  
 59 VI ..... 50,712  
 60 VII..... 52,862  
 61 VIII..... 55,013

62        Each member of the West Virginia State Police whose salary  
63 is fixed and specified in this annual salary schedule is entitled to  
64 the length of service increases set forth in subsection (e) of this  
65 section and supplemental pay as provided in subsection (g) of  
66 this section.

67        (e) Each member of the West Virginia State Police whose  
68 salary is fixed and specified pursuant to this section shall  
69 receive, and is entitled to, an increase in salary over that set forth  
70 in subsection (d) of this section for grade in rank, based on  
71 length of service, including that service served before and after  
72 the effective date of this section with the West Virginia State  
73 Police as follows: Beginning on January 1, 2015 and continuing  
74 thereafter, at the end of two years of service with the West  
75 Virginia State Police, the member shall receive a salary increase  
76 of \$500 to be effective during his or her next year of service and  
77 a like increase at yearly intervals thereafter, with the increases to  
78 be cumulative.

79        (f) In applying the salary schedules set forth in this section  
80 where salary increases are provided for length of service,  
81 members of the West Virginia State Police in service at the time  
82 the schedules become effective shall be given credit for prior  
83 service and shall be paid the salaries the same length of service  
84 entitles them to receive under the provisions of this section.

85        (g) The Legislature finds and declares that because of the  
86 unique duties of members of the West Virginia State Police, it is  
87 not appropriate to apply the provisions of state wage and hour  
88 laws to them. Accordingly, members of the West Virginia State  
89 Police are excluded from the provisions of state wage and hour  
90 law. This express exclusion shall not be construed as any  
91 indication that the members were or were not covered by the  
92 wage and hour law prior to this exclusion.

93        In lieu of any overtime pay they might otherwise have  
94 received under the wage and hour law, and in addition to their

95 salaries and increases for length of service, members who have  
96 completed basic training and who are exempt from federal Fair  
97 Labor Standards Act guidelines may receive supplemental pay  
98 as provided in this section.

99       The authority of the superintendent to propose a legislative  
100 rule or amendment thereto for promulgation in accordance with  
101 article three, chapter twenty-nine-a of this code to establish the  
102 number of hours per month which constitute the standard work  
103 month for the members of the West Virginia State Police is  
104 hereby continued. The rule shall further establish, on a graduated  
105 hourly basis, the criteria for receipt of a portion or all of  
106 supplemental payment when hours are worked in excess of the  
107 standard work month. The superintendent shall certify monthly  
108 to the West Virginia State Police's payroll officer the names of  
109 those members who have worked in excess of the standard work  
110 month and the amount of their entitlement to supplemental  
111 payment. The supplemental payment may not exceed \$400  
112 monthly. The superintendent and civilian employees of the West  
113 Virginia State Police are not eligible for any supplemental  
114 payments.

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

122       (i) In consideration for compensation paid by the West  
123 Virginia State Police to its members during those members'  
124 participation in the West Virginia State Police Cadet Training  
125 Program pursuant to section eight, article twenty-nine, chapter  
126 thirty of this code, the West Virginia State Police may require of  
127 its members by written agreement entered into with each of them  
128 in advance of such participation in the program that, if a member

**129 should voluntarily discontinue employment any time within one  
130 year immediately following completion of the training program,  
131 he or she shall be obligated to pay to the West Virginia State  
132 Police a pro rata portion of such compensation equal to that part  
133 of such year which the member has chosen not to remain in the  
134 employ of the West Virginia State Police.**

**135 (j) Any member of the West Virginia State Police who is  
136 called to perform active duty training or inactive duty training in  
137 the National Guard or any reserve component of the Armed  
138 Forces of the United States annually shall be granted, upon  
139 request, leave time not to exceed thirty calendar days for the  
140 purpose of performing the active duty training or inactive duty  
141 training and the time granted may not be deducted from any  
142 leave accumulated as a member of the West Virginia State  
143 Police.**

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Danny Wells*

Chairman, House Committee

~~Member~~ ~~Chairman, Senate Committee~~

Originating in the House.

In effect ninety days from passage.

*Bregan M. Snel*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*Tommy May*

Speaker of the House of Delegates

*Jeffrey*

President of the Senate

The within is approved this the 28<sup>th</sup>  
day of March, 2014.

*Carl Roy Tomblin*  
Governor



PRESENTED TO THE GOVERNOR

MAR 28 2017

Time 12:45 PM