

Senate Bill No. 549

(By Senators M. Hall, Blair,
Kessler, Unger and D. Hall)

[Introduced February 23, 2015;
referred to the Committee on Finance.]

A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to classifying civilian positions within West Virginia State Police forensic laboratory; establishing salaries; and requiring a manual.

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 Virginia State Police a system to
2 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second
3 lieutenant and first lieutenant; the classification of nonsupervisory members within the field
4 operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the
5 classification of members assigned to the forensic laboratory as criminalist I-VIII; ~~and~~ the temporary

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1 reclassification of members assigned to administrative duties as administrative support specialist I-
2 VIII; the classification of civilian employees in the forensic laboratory as evidence technicians I-IV;
3 the classification of civilian employees in the forensic laboratory as forensic analysts I-VI; and the
4 classification of civilian employees in the forensic laboratory as forensic analyst supervisors VII-IX.

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

8 (c) The superintendent shall provide to each member a written manual governing any system
9 established under the provisions of this section and specific procedures shall be identified for the
10 evaluation and testing of members for promotion or reclassification and the subsequent placement
11 of any members on a promotional eligibility or reclassification recommendation list. The
12 superintendent shall provide to each evidence technician, forensic analyst and forensic analyst
13 supervisor a written manual governing the reclassification process within the West Virginia State
14 Police forensic laboratory.

15 (d) Beginning on July 1, 2011, members 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

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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
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1 II..... 43,048
2 III. 43,654
3 IV..... 44,260
4 V..... 48,561
5 VI..... 50,712
6 VII. 52,862
7 VIII..... 55,013

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

11 (e) Beginning July 1, 2015, the superintendent shall appoint the position of forensic
12 laboratory director and quality assurance manager and affix the salaries of each position. A sworn
13 member appointed to forensic laboratory director shall be compensated in accordance with
14 subsection (d) of this section. Civilian evidence technicians, forensic analysts and forensic analysts
15 supervisors shall receive annual salaries as follows:

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

17 **EVIDENCE TECHNICIAN CLASSIFICATION**

18 I..... \$30,160
19 II..... 34,684
20 III. 38,153
21 IV..... 43,876

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

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FORENSIC ANALYST CLASSIFICATION

1	
2	I. \$40,560
3	II. 44,616
4	III. 51,309
5	IV. 56,440
6	V. 62,084
7	VI. 68,293

ANNUAL SALARY SCHEDULE (BASE PAY)

FORENSIC ANALYST SUPERVISOR CLASSIFICATION

8	
9	
10	VII. \$64,906
11	VIII. 71,397
12	IX. 78,537

13 (☞) (f) Each member of the West Virginia State Police whose salary is fixed and specified
14 pursuant to this section shall receive, and 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 of service, including that service
16 served before and after the effective date of this section with the West Virginia State Police as
17 follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service
18 with the West Virginia State Police, the member shall receive a salary increase of \$500 to be
19 effective during his or her next year of service and a like increase at yearly intervals thereafter, with
20 the increases to be cumulative.

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1 (g) Civilian employees of the West Virginia State Police whose salary is set forth in
2 subsection (e) of this section are also to receive the increase in salary as provided in subsection (i),
3 section seven of this article.

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

8 ~~(g)~~ (i) The Legislature finds and declares that because of the unique duties of members of the
9 West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour laws
10 to them. Accordingly, members of the West Virginia State Police are excluded from the provisions
11 of state wage and hour law. This 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 this exclusion.

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

17 The authority of the superintendent to propose a legislative rule or amendment thereto for
18 promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the
19 number of hours per month which constitute the standard work month for the members of the West
20 Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly
21 basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in
22 excess of the standard work month. The superintendent shall certify monthly to the West Virginia

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1 State Police's payroll officer the names of those members who have worked in excess of the standard
2 work month and the amount of their entitlement to supplemental payment. The supplemental
3 payment may not exceed \$400 monthly. The superintendent and civilian employees of the West
4 Virginia State Police are not eligible for any supplemental payments.

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

10 (i) (k) In consideration for compensation paid by the West Virginia State Police to its
11 members during those members' participation in the West Virginia State Police Cadet Training
12 Program pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia
13 State Police may require of its members by written agreement entered into with each of them in
14 advance of such participation in the program that, if a member should voluntarily discontinue
15 employment any time within one year immediately following completion of the training program,
16 he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such
17 compensation equal to that part of such year which the member has chosen not to remain in the
18 employ of the West Virginia State Police.

19 (j) (l) Any member of the West Virginia State Police who is called to perform active duty
20 training or inactive duty training in the National Guard or any reserve component of the armed forces
21 of the United States annually shall be granted, upon request, leave time not to exceed thirty calendar
22 days for the purpose of performing the active duty training or inactive duty training and the time

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- 1 granted may not be deducted from any leave accumulated as a member of the West Virginia State
- 2 Police.

NOTE: The purpose of this bill is to classify civilian positions within the West Virginia State Police forensic laboratory and establishes their salaries. The bill also requires a manual be provided.

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