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WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

SB 549 (veto)

—●—
ENROLLED

Senate Bill No. 549

(BY SENATORS M. HALL, BLAIR, KESSLER, UNGER AND D. HALL)

[PASSED MARCH 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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Senate Bill No. 549

(BY SENATORS M. HALL, BLAIR, KESSLER, UNGER AND D. HALL)

[Passed March 14, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to certain civilian employees within the West Virginia State Police; authorizing the superintendent to appoint a director and a manager; providing for classification of laboratory employees; establishing base salaries; and requiring a manual to be provided to employees.

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
- 3 promotion of members to the supervisory ranks of sergeant,

4 first sergeant, second lieutenant and first lieutenant; the
5 classification of nonsupervisory members within the field
6 operations force to the ranks of trooper, senior trooper,
7 trooper first class or corporal; the classification of members
8 assigned to the forensic laboratory as criminalist I-VIII; the
9 temporary reclassification of members assigned to
10 administrative duties as administrative support specialist I-
11 VIII; the classification of civilian employees in the forensic
12 laboratory as evidence technicians I-IV; the classification of
13 civilian employees in the forensic laboratory as forensic
14 analysts I-VI; and the classification of civilian employees in
15 the forensic laboratory as forensic analyst supervisors VII-
16 IX.

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

22 (c) The superintendent shall provide to each member a
23 written manual governing any system established under the
24 provisions of this section and specific procedures shall be
25 identified for the evaluation and testing of members for
26 promotion or reclassification and the subsequent placement
27 of any members on a promotional eligibility or
28 reclassification recommendation list. The superintendent shall
29 provide to each evidence technician, forensic analyst and
30 forensic analyst supervisor a written manual governing the
31 reclassification process within the West Virginia State Police
32 forensic laboratory.

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

35 ANNUAL SALARY SCHEDULE (BASE PAY)
36 SUPERVISORY AND NONSUPERVISORY RANKS

| | | | |
|----|---------------------------------------|------------------|----------|
| 37 | Cadet During Training. | \$2,833 Mo.... | \$33,994 |
| 38 | Cadet Trooper After Training. | 3,438 Mo.. . . . | 41,258 |
| 39 | Trooper Second Year..... | | 42,266 |
| 40 | Trooper Third Year. | | 42,649 |
| 41 | Senior Trooper..... | | 43,048 |
| 42 | Trooper First Class..... | | 43,654 |
| 43 | Corporal..... | | 44,260 |
| 44 | Sergeant. | | 48,561 |
| 45 | First Sergeant. | | 50,712 |
| 46 | Second Lieutenant. | | 52,862 |
| 47 | First Lieutenant. | | 55,013 |
| 48 | Captain..... | | 57,164 |
| 49 | Major. | | 59,314 |
| 50 | Lieutenant Colonel..... | | 61,465 |

51 ANNUAL SALARY SCHEDULE (BASE PAY)
52 ADMINISTRATION SUPPORT SPECIALIST
53 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 **ANNUAL SALARY SCHEDULE (BASE PAY)**
63 **CRIMINALIST CLASSIFICATION**

| | | |
|----|-----------|----------|
| 64 | I | \$42,266 |
| 65 | II..... | 43,048 |
| 66 | III..... | 43,654 |
| 67 | IV..... | 44,260 |
| 68 | V..... | 48,561 |
| 69 | VI..... | 50,712 |
| 70 | VII..... | 52,862 |
| 71 | VIII..... | 55,013 |

72 Each member of the West Virginia State Police whose
73 salary is fixed and specified in this annual salary schedule is
74 entitled to the length of service increases set forth in

75 subsection (f) of this section and supplemental pay as
76 provided in subsection (i) of this section.

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

84 **ANNUAL SALARY SCHEDULE (BASE PAY)**
85 **EVIDENCE TECHNICIAN CLASSIFICATION**

| | | |
|----|-----------|----------|
| 86 | I. | \$30,160 |
| 87 | II. | 34,684 |
| 88 | III. | 38,153 |
| 89 | IV. | 43,876 |

90 **ANNUAL SALARY SCHEDULE (BASE PAY)**
91 **FORENSIC ANALYST CLASSIFICATION**

| | | |
|----|-----------|----------|
| 92 | I. | \$40,560 |
| 93 | II. | 44,616 |
| 94 | III. | 51,309 |
| 95 | IV. | 56,440 |
| 96 | V. | 62,084 |
| 97 | VI. | 68,293 |

98 **ANNUAL SALARY SCHEDULE (BASE PAY)**
99 **FORENSIC ANALYST SUPERVISOR**
100 **CLASSIFICATION**

101 VII. \$64,906

102 VIII..... 71,397

103 IX..... 78,537

104 (f) Each member of the West Virginia State Police whose
105 salary is fixed and specified pursuant to this section shall
106 receive, and is entitled to, an increase in salary over that set
107 forth in subsection (d) of this section for grade in rank, based
108 on length of service, including that service served before and
109 after the effective date of this section with the West Virginia
110 State Police as follows: Beginning on January 1, 2015, and
111 continuing thereafter, at the end of two years of service with
112 the West Virginia State Police, the member shall receive a
113 salary increase of \$500 to be effective during his or her next
114 year of service and a like increase at yearly intervals
115 thereafter, with the increases to be cumulative.

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

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

127 (i) The Legislature finds and declares that because of the
128 unique duties of members of the West Virginia State Police,
129 it is not appropriate to apply the provisions of state wage and
130 hour laws to them. Accordingly, members of the West
131 Virginia State Police are excluded from the provisions of
132 state wage and hour law. This express exclusion shall not be
133 construed as any indication that the members were or were
134 not covered by the wage and hour law prior to this exclusion.

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

141 The authority of the superintendent to propose a
142 legislative rule or amendment thereto for promulgation in
143 accordance with article three, chapter twenty-nine-a of this
144 code to establish the number of hours per month which
145 constitute the standard work month for the members of the
146 West Virginia State Police is hereby continued. The rule
147 shall further establish, on a graduated hourly basis, the
148 criteria for receipt of a portion or all of supplemental payment
149 when hours are worked in excess of the standard work month.
150 The superintendent shall certify monthly to the West Virginia
151 State Police's payroll officer the names of those members
152 who have worked in excess of the standard work month and
153 the amount of their entitlement to supplemental payment.
154 The supplemental payment may not exceed \$400 monthly.
155 The superintendent and civilian employees of the West
156 Virginia State Police are not eligible for any supplemental
157 payments.

158 (j) Each member of the West Virginia State Police, except
159 the superintendent and civilian employees, shall execute,

160 before entering upon the discharge of his or her duties, a
161 bond with security in the sum of \$5,000 payable to the State
162 of West Virginia, conditioned upon the faithful performance
163 of his or her duties, and the bond shall be approved as to form
164 by the Attorney General and as to sufficiency by the
165 Governor.

166 (k) In consideration for compensation paid by the West
167 Virginia State Police to its members during those members'
168 participation in the West Virginia State Police Cadet Training
169 Program pursuant to section eight, article twenty-nine,
170 chapter thirty of this code, the West Virginia State Police
171 may require of its members by written agreement entered into
172 with each of them in advance of such participation in the
173 program that, if a member should voluntarily discontinue
174 employment any time within one year immediately following
175 completion of the training program, he or she shall be
176 obligated to pay to the West Virginia State Police a pro rata
177 portion of such compensation equal to that part of such year
178 which the member has chosen not to remain in the employ of
179 the West Virginia State Police.

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

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

Paul Pappas
.....
Chairman Senate Committee

A. B. McL
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark Barnes
.....
Clerk of the Senate

Steve J. Harris
.....
Clerk of the House of Delegates

Mike Dale
.....
President of the Senate

John M. ...
.....
Speaker of the House of Delegates

The within *is appended* this the *3rd*...

Day of *April*....., 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2015

Time 11:20 am