

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4170

FISCAL  
NOTE

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AND BARRETT

[Introduced January 14, 2020; Referred to the  
Committee on Finance]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating  
2 to granting state police troopers a pay increase.

*Be it enacted by the Legislature of West Virginia:*

**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,  
3 second lieutenant, and first lieutenant; the classification of nonsupervisory members within the  
4 field 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  
6 temporary reclassification of members assigned to administrative duties as administrative support  
7 specialist I-VIII.

8 (b) The superintendent may propose legislative rules for promulgation in accordance with  
9 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and  
10 independent review of any system developed under the provisions of this section.

11 (c) The superintendent shall provide to each member a written manual governing any  
12 system established under the provisions of this section and specific procedures shall be identified  
13 for the evaluation and testing of members for promotion or reclassification and the subsequent  
14 placement of any members on a promotional eligibility or reclassification recommendation list.

15 (d) Beginning on July 1, 2019, members shall receive annual salaries payable at least  
16 twice per month as follows:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

19 Cadet During Training ..... \$ 38,524

20	Cadet Trooper After Training .....	45,784
21	Trooper Second Year .....	46,796
22	Trooper Third Year .....	47,179
23	Senior Trooper .....	47,578
24	Trooper First Class .....	48,184
25	Corporal .....	48,790
26	Sergeant.....	53,091
27	First Sergeant.....	55,242
28	Second Lieutenant .....	57,392
29	First Lieutenant.....	59,543
30	Captain.....	61,694
31	Major .....	63,844
32	Lieutenant Colonel .....	65,995

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I .....	46,796
36	II .....	47,578
37	III .....	48,184
38	IV .....	48,790
39	V .....	53,091
40	VI .....	55,242
41	VII .....	57,392
42	VIII .....	59,543

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

45	I .....	46,796
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46	II .....	47,578
47	III .....	48,184
48	IV .....	48,790
49	V .....	53,091
50	VI .....	55,242
51	VII .....	57,392
52	VIII .....	59,543

53 Provided, That uniform members shall receive a salary equal to 10 percent more than that  
 54 which is listed in the above schedule for each member's particular rank.

55 Each member of the West Virginia State Police whose salary is fixed and specified in this  
 56 annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this  
 57 code and supplemental pay as provided in §15-2-5(g) of this code.

58 (e) Each member of the West Virginia State Police whose salary is fixed and specified  
 59 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
 60 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served  
 61 before and after the effective date of this section with the West Virginia State Police as follows:  
 62 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with  
 63 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective  
 64 during his or her next year of service and a like increase at yearly intervals thereafter, with the  
 65 increases to be cumulative.

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

70 (g) The Legislature finds and declares that because of the unique duties of members of  
 71 the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour

72 laws to them. Accordingly, members of the West Virginia State Police are excluded from the  
73 provisions of state wage and hour law. This express exclusion shall not be construed as any  
74 indication that the members were or were not covered by the wage and hour law prior to this  
75 exclusion.

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

80 The authority of the superintendent to propose a legislative rule or amendment thereto for  
81 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours  
82 per month which constitute the standard pay period for the members of the West Virginia State  
83 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the  
84 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess  
85 of the standard pay period. The superintendent shall certify at least twice per month to the West  
86 Virginia State Police's payroll officer the names of those members who have worked in excess of  
87 the standard pay period and the amount of their entitlement to supplemental payment. The  
88 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian  
89 employees of the West Virginia State Police are not eligible for any supplemental payments.

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

95 (i) In consideration for compensation paid by the West Virginia State Police to its members  
96 during those members' participation in the West Virginia State Police Cadet Training Program  
97 pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by

98 written agreement entered into with each of them in advance of such participation in the program  
99 that, if a member should voluntarily discontinue employment any time within one year immediately  
100 following completion of the training program, he or she shall be obligated to pay to the West  
101 Virginia State Police a pro rata portion of such compensation equal to that part of such year which  
102 the member has chosen not to remain in the employ of the West Virginia State Police.

103 (j) Any member of the West Virginia State Police who is called to perform active duty  
104 training or inactive duty training in the National Guard or any reserve component of the armed  
105 forces of the United States annually shall be granted, upon request, leave time not to exceed 30  
106 calendar days for the purpose of performing the active duty training or inactive duty training and  
107 the time granted may not be deducted from any leave accumulated as a member of the West  
108 Virginia State Police.

NOTE: The purpose of this bill is to grant state police troopers a 10 percent pay increase.

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