WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

Senate Bill 599

By Senators Ihlenfeld, Baldwin, Hamilton, Beach, Caputo, Stollings, Woelfel, Maroney, Lindsay, Romano, Grady, and Unger

[Introduced March 8, 2021; referred
to the Committee on Government Organization; and then 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 increasing salaries for members of the West Virginia State Police.

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.

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

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

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

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

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

Cadet During Training ………………………………………………………$~~38,524~~ $41,024

Cadet Trooper After Training …………………………………………………$~~45,784~~ 48,284

Trooper Second Year …………………………………………………………..~~46,796~~ 49,296

Trooper Third Year ……………………………………………………………..~~47,~~179 49,679

Senior Trooper ………………………………………………………………….~~47,578~~ 50,078

Trooper First Class ……………………………………………………………..~~48,184~~ 50,684

Corporal ………………………………………………………………………....~~48,790~~ 51,290

Sergeant ………………………………………………………………….……..~~53,091~~ 55,591

First Sergeant …………………………………………………………….……..~~55,242~~ 57,742

Second Lieutenant ……………………………………………………………...~~57,329~~ 59,892

First Lieutenant …………………………………………………………….……~~59,543~~ 62,043

Captain ………………………………………………………………….……….~~61,694~~ 64,194

Major ………………………………………………………………………….….~~63,844~~ 66,344

Lieutenant Colonel ………………………………………………………….….~~65,995~~ 68,495

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

I ……………………………………………………………………………….….~~46,796~~ 49,296

II ……………………………………………………………………………….…~~47,578~~ 50,078

III …………………………………………………………………………………~~48,184~~ 50,684

IV …………………………………………………………………………………~~48,790~~ 51,290

V ………………………………………………………………………………….~~53,091~~ 55,591

VI …………………………………………………………………………………~~55,242~~ 57,742

VII ………………………………………………………………………………...~~57,392~~ 59,892

VIII ……………………………………………………………………..………...~~59,543~~ 62,043

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

I ……………………………………………………………………………………~~46,796~~ 49,296

II …………………………………………………………………………….…….~~47,578~~ 50,078

III …………………………………………………………………………….…….~~48,184~~ 50,684

IV …………………………………………………………………………….……~~48,790~~ 51,290

V ……………………………………………………………………………….….~~53,091~~ 55,591

VI ……………………………………………………………………………….…~~55,242~~ 57,742

VII ………………………………………………………………………………...~~57,392~~ 59,892

VIII ………………………………………………………………………………..~~59,543~~ 62,043

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

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

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

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

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

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

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

(i) In consideration for compensation paid by the West Virginia State Police to its members during those members’ participation in the West Virginia State Police Cadet Training Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by written agreement entered into with each of them in advance of such participation in the program that, if a member should voluntarily discontinue employment any time within one year immediately following completion of the training program, he or she shall be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal to that part of such year which the member has chosen not to remain in the employ of the West Virginia State Police.

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

NOTE: The purpose of this bill is to increase the pay of the West Virginia State Police and its personnel by $2,000.

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