SB 167

EILED

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STEISE LEST VIRGINIA
SECRETARY OF STATE

## WEST VIRGINIA LEGISLATURE REGILAL SESSION, 2002

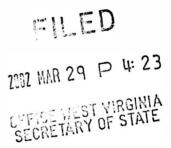
## ENROLLED

SENATE BILL NO. \_\_\_\_\_\_\_\_\_

(By Senators Comblin Mr. President, and Sprouse)

PASSED MARCH 9, 2002

In Effect July 1, 2002 1655666



## ENROLLED Senate Bill No. 164

(By Senators Tomblin, Mr. President, and Sprouse, By Request of the Executive)

[Passed March 9, 2002; to take effect July 1, 2002.]

AN ACT to amend and reenact section five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to an increase in the annual base salary of all sworn state police personnel by eight hundred four dollars, effective on the first day of July, two thousand two.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, 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 wage and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

Enr. S. B. No. 164]

(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 6 operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of mem-7 bers assigned to the forensic laboratory as criminalist I-VII; and the temporary reclassification of members assigned to administrative duties as administrative 10 support specialist I-VIII. 11 12 (b) The superintendent may propose legislative rules for 13 promulgation in accordance with article three, chapter twenty-nine-a of this code for the purpose of ensuring 14 15 consistency, predictability and independent review of any system developed under the provisions of this section. 16 17 (c) The superintendent shall provide to each member a 18 written manual governing any system established under 19 the provisions of this section and specific procedures shall 20 be identified for the evaluation and testing of members for 21 promotion or reclassification and the subsequent place-22 ment of any members on a promotional eligibility or reclassification recommendation list. 23 (d) Beginning on the first day of July, two thousand two, 24 25 and continuing thereafter, members shall receive annual 26 salaries as follows: 27 ANNUAL SALARY SCHEDULE (BASE PAY) 28 SUPERVISORY AND NONSUPERVISORY RANKS Cadet During Training ..... \$2,106 Mo. 29 \$25,272 Cadet Trooper After Training ... 2,509 Mo. 30 30,108 31 Trooper Second Year ..... 30,572 Trooper Third Year ..... 30,944 32 33 Trooper Fourth & Fifth Year ...... 31,244 Senior Trooper ..... 33,332 34 35

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[Enr. S. B. No. 164

- receive, and is entitled to, an increase in salary over that set forth in subsection (d) of this section, for grade in rank. 72 based on length of service, including that service served 73 before and after the effective date of this section with the West Virginia state police as follows: At the end of five 75 years of service with the West Virginia state police, the 76 member shall receive a salary increase of six hundred 77 dollars to be effective during his or her next three years of 78 service and a like increase at three-year intervals thereaf-79 ter, with the increases to be cumulative. 80
- 81 (f) In applying the salary schedules set forth in this 82 section where salary increases are provided for length of 83 service, members of the West Virginia state police in 84 service at the time the schedules become effective shall be 85 given credit for prior service and shall be paid the salaries 86 the same length of service entitles them to receive under 87 the provisions of this section.
- 88 (g) The Legislature finds and declares that because of the unique duties of members of the West Virginia state police, 89 it is not appropriate to apply the provisions of state wage 90 and hour laws to them. Accordingly, members of the West 91 92 Virginia state police are excluded from the provisions of 93 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 95 96 exclusion.
- 97 In lieu of any overtime pay they might otherwise have 98 received under the wage and hour law, and in addition to 99 their salaries and increases for length of service, members 100 who have completed basic training and who are exempt 101 from federal Fair Labor Standards Act guidelines may 102 receive supplemental pay as provided in this section.
- The superintendent shall, within thirty days after the effective date of this section, propose a legislative rule for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the number of

107 hours per month which constitute the standard work month for the members of the West Virginia state police. 108 109 The rule shall further establish, on a graduated hourly 110 basis, the criteria for receipt of a portion or all of supple-111 mental payment when hours are worked in excess of the standard work month. The superintendent shall certify 112 113 monthly to the West Virginia state police's payroll officer 114 the names of those members who have worked in excess of the standard work month and the amount of their entitle-115 116 ment to supplemental payment. The supplemental pay-117 ment may not exceed two hundred thirty-six dollars 118 monthly. The superintendent and civilian employees of 119 the West Virginia state police are not eligible for any 120 supplemental payments.

- 121 (h) Each member of the West Virginia state police, except 122 the superintendent and civilian employees, shall execute, 123 before entering upon the discharge of his or her duties, a 124 bond with security in the sum of five thousand dollars 125 payable to the state of West Virginia, conditioned upon the 126 faithful performance of his or her duties, and the bond 127 shall be approved as to form by the attorney general and 128 as to sufficiency by the governor.
- 129 (i) Any member of the West Virginia state police who is called to perform active duty for training or inactive duty 130 131 training in the national guard or any reserve component of the armed forces of the United States annually shall be 132 133 granted, upon request, leave time not to exceed thirty calendar days for the purpose of performing the active 134 duty for training or inactive duty training and the time 135 granted may not be deducted from any leave accumulated 136 as a member of the West Virginia state police. 137

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.  Chairman Senate Committee
Chairman House Committee
Originated in the Senate.
Clerk of the Senate  Sugar Sug
The within is approved this the Tan-  Day of March 2002.  Governor

PARTOT OF CETAL SALES

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