

**H. B. 2272**

(By Delegate Caputo)

[Introduced January 12, 2011; referred to the  
Committee on Government Organization then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §15-2-5 of the Code of West Virginia,  
1931, as amended, relating to increasing compensation of  
membership of the West Virginia State Police.

*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.**

(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

1 ranks of trooper, senior trooper, trooper first class or corporal;  
 2 the classification of members assigned to the forensic laboratory  
 3 as criminalist I-VII; and the temporary reclassification of members  
 4 assigned to administrative duties as administrative support  
 5 specialist I-VIII.

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

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

17 (d) Beginning July 1, 2009, until and including June 30, 2010,  
 18 members shall receive annual salaries as follows:

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

20 **SUPERVISORY AND NONSUPERVISORY RANKS**

21	<del>Cadet During Training.. . . .</del>	<del>2,550.50 Mo.</del>	<del>\$30,606</del>
22	<u>Cadet During Training.. . . .</u>	<u>\$2,925.50 Mo.</u>	<u>\$35,106.00</u>
23	<del>Cadet Trooper After Training. . . . .</del>	<del>3,138.17 Mo.</del>	<del>37,658</del>
24	<u>Cadet Trooper After Training. . . . .</u>	<u>\$3,513.17 Mo.</u>	<u>\$42,158.00</u>

1 Trooper Second Year.. . . . .	<del>39,122</del>	<u>\$43,122.00</u>
2 Trooper Third Year. . . . .	<del>39,494</del>	<u>\$43,494.00</u>
3 Senior Trooper. . . . .	<del>39,882</del>	<u>\$43,882.00</u>
4 Trooper First Class.. . . . .	<del>40,470</del>	<u>\$44,470.00</u>
5 Corporal. . . . .	<del>41,058</del>	<u>\$45,058.00</u>
6 Sergeant . . . . .	<del>45,234</del>	<u>\$49,234.00</u>
7 First Sergeant. . . . .	<del>47,322</del>	<u>\$51,322.00</u>
8 Second Lieutenant.. . . . .	<del>49,410</del>	<u>\$53,410.00</u>
9 First Lieutenant. . . . .	<del>51,498</del>	<u>\$55,498.00</u>
10 Captain.. . . . .	<del>53,586</del>	<u>\$57,586.00</u>
11 Major.. . . . .	<del>55,674</del>	<u>\$59,674.00</u>
12 Lieutenant Colonel. . . . .	<del>57,762</del>	<u>\$59,762.00</u>

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**ADMINISTRATION SUPPORT**

**SPECIALIST CLASSIFICATION**

16 I.. . . . .	<del>\$39,494</del>	<u>\$43,494.00</u>
17 II .. . . . .	<del>39,882</del>	<u>\$43,882.00</u>
18 III.. . . . .	<del>40,470</del>	<u>\$44,470.00</u>
19 IV .. . . . .	<del>41,058</del>	<u>\$45,058.00</u>
20 V.. . . . .	<del>45,234</del>	<u>\$49,234.00</u>
21 VI .. . . . .	<del>47,322</del>	<u>\$51,322.00</u>
22 VII.. . . . .	<del>49,410</del>	<u>\$53,410.00</u>
23 VIII .. . . . .	<del>51,498</del>	<u>\$55,498.00</u>

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**CRIMINALIST CLASSIFICATION**

I.. . . . .	<del>\$39,494</del>	<u>\$43,494.00</u>
II. . . . .	<del>39,882</del>	<u>\$43,882.00</u>
III.. . . . .	<del>40,470</del>	<u>\$44,470.00</u>
IV .. . . . .	<del>41,058</del>	<u>\$45,058.00</u>
V.. . . . .	<del>45,244</del>	<u>\$49,234.00</u>
VI .. . . . .	<del>47,322</del>	<u>\$51,322.00</u>
VII.. . . . .	<del>49,410</del>	<u>\$53,410.00</u>
VIII .. . . . .	<del>51,498</del>	<u>\$55,498.00</u>

Beginning on July 1, 2010, and continuing thereafter, members shall receive annual salaries as follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)**

**SUPERVISORY AND NONSUPERVISORY RANKS**

<del>Cadet During Training.. . . . .</del>	<del>\$ 2,752 Mo.</del>	<del>\$ 33,024</del>
Cadet During Training.. . . . .	<u>\$3,425.50 Mo.</u>	<u>\$41,106.00</u>
<del>Cadet Trooper After Training. . . . .</del>	<del>3,357.33 Mo.</del>	<del>40,288</del>
Cadet Trooper After Training. . . . .	<u>\$4,013.17 Mo.</u>	<u>\$48,158.00</u>
Trooper Second Year.. . . . .	<del>41,296</del>	<u>\$49,122.00</u>
Trooper Third Year. . . . .	<del>41,679</del>	<u>\$49,494.00</u>
Senior Trooper. . . . .	<del>42,078</del>	<u>\$49,882.00</u>
Trooper First Class.. . . . .	<del>42,684</del>	<u>\$50,470.00</u>
Corporal. . . . .	<del>43,290</del>	<u>\$51,058.00</u>
Sergeant. . . . .	<del>47,591</del>	<u>\$55,234.00</u>
First Sergeant. . . . .	<del>49,742</del>	<u>\$57,322.00</u>

1	Second Lieutenant.. . . . .	<del>51,892</del>	<u>\$59,410.00</u>
2	First Lieutenant. . . . .	<del>54,043</del>	<u>\$61,498.00</u>
3	Captain.. . . . .	<del>56,194</del>	<u>\$63,586.00</u>
4	Major.. . . . .	<del>58,344</del>	<u>\$65,674.00</u>
5	Lieutenant Colonel. . . . .	<del>60,495</del>	<u>\$65,762.00</u>

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

7                                   **ADMINISTRATION SUPPORT**

8                                   **SPECIALIST CLASSIFICATION**

9	I.. . . . .	\$ <del>41,679</del>	<u>\$49,494.00</u>
10	II .. . . .	<del>42,078</del>	<u>\$49,882.00</u>
11	III.. . . .	<del>42,684</del>	<u>\$50,470.00</u>
12	IV .. . . .	<del>43,290</del>	<u>\$51,058.00</u>
13	V.. . . . .	<del>47,591</del>	<u>\$55,234.00</u>
14	VI .. . . .	<del>49,742</del>	<u>\$57,322.00</u>
15	VII.. . . .	<del>51,892</del>	<u>\$59,410.00</u>
16	VIII .. . . .	<del>54,043</del>	<u>\$61,498.00</u>

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

18                                   **CRIMINALIST CLASSIFICATION**

19	I.. . . . .	\$ <del>41,679</del>	<u>\$49,494.00</u>
20	II .. . . .	<del>42,078</del>	<u>\$49,882.00</u>
21	III.. . . .	<del>42,684</del>	<u>\$50,470.00</u>
22	IV .. . . .	<del>43,290</del>	<u>\$51,058.00</u>
23	V.. . . . .	<del>47,591</del>	<u>\$55,234.00</u>
24	VI .. . . .	<del>49,742</del>	<u>\$57,322.00</u>

1 VII.. . . . . ~~51,892~~ \$59,410.00

2 VIII .. . . . . ~~54,043~~ \$61,498.00

3       Each member of the West Virginia State Police whose salary is  
4 fixed and specified in this annual salary schedule is entitled to  
5 the length of service increases set forth in subsection (e) of this  
6 section and supplemental pay as provided in subsection (g) of this  
7 section.

8       (e) Each member of the West Virginia State Police whose salary  
9 is fixed and specified pursuant to this section shall receive, and  
10 is entitled to, an increase in salary over that set forth in  
11 subsection (d) of this section for grade in rank, based on length  
12 of service, including that service served before and after the  
13 effective date of this section with the West Virginia State Police  
14 as follows: At the end of two years of service with the West  
15 Virginia State Police, the member shall receive a salary increase  
16 of \$400 to be effective during his or her next year of service and  
17 a like increase at yearly intervals thereafter, with the increases  
18 to be cumulative.

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

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

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

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

1 in excess of the standard work month and the amount of their  
2 entitlement to supplemental payment. The supplemental payment may  
3 not exceed \$236 monthly. The superintendent and civilian employees  
4 of the West Virginia State Police are not eligible for any  
5 supplemental payments.

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

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



1 Virginia State Police.

2       (j) Any member of the West Virginia State Police who is called  
3 to perform active duty training or inactive duty training in the  
4 National Guard or any reserve component of the Armed Forces of the  
5 United States annually shall be granted, upon request, leave time  
6 not to exceed thirty calendar days for the purpose of performing  
7 the active duty training or inactive duty training and the time  
8 granted may not be deducted from any leave accumulated as a member  
9 of the West Virginia State Police.

NOTE: The purpose of this bill is to increase compensation for  
members of the West Virginia State Police.

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