

1 **H. B. 4281**

2
3 (By Delegates White, Miley, Hunt, Poore, Skaff,
4 Moore, Fleischauer and Sobonya)

5 [Introduced January 25, 2012; referred to the
6 Committee on Finance.]

7 **FISCAL**
8 **NOTE**

9
10 A BILL to amend and reenact §15-2-5 of the Code of West Virginia,
11 1931, as amended, relating to increasing the supplemental pay
12 of members of the West Virginia State Police in lieu of
13 overtime pay.

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

15 That §15-2-5 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

18 **§15-2-5. Career progression system; salaries; exclusion from wages**
19 **and hour law, with supplemental payment; bond; leave**
20 **time for members called to duty in guard or reserves.**

21 (a) The superintendent shall establish within the West
22 Virginia State Police a system to provide for: The promotion of
23 members to the supervisory ranks of sergeant, first sergeant,
24 second lieutenant and first lieutenant; the classification of

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

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

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

18 (d) Beginning on July 1, 2008, through June 30, 2011, members
 19 shall receive annual salaries as follows:

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

21 **SUPERVISORY AND NONSUPERVISORY RANKS**

22 Cadet During Training	\$ 2,752 Mo.	\$ 33,024
23 Cadet Trooper After Training	3,357.33 Mo.	40,288

1	Trooper Second Year	41,296
2	Trooper Third Year	41,679
3	Senior Trooper	42,078
4	Trooper First Class	42,684
5	Corporal	43,290
6	Sergeant	47,591
7	First Sergeant	49,742
8	Second Lieutenant	51,892
9	First Lieutenant	54,043
10	Captain	56,194
11	Major	58,344
12	Lieutenant Colonel	60,495
13	ANNUAL SALARY SCHEDULE (BASE PAY)	
14	ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION	
15	I	\$ 41,679
16	II	42,078
17	III	42,684
18	IV	43,290
19	V	47,591
20	VI	49,742
21	VII	51,892
22	VIII	54,043
23	ANNUAL SALARY SCHEDULE (BASE PAY)	

1 **CRIMINALIST CLASSIFICATION**

2 I \$ 41,679

3 II 42,078

4 III 42,684

5 IV 43,290

6 V 47,591

7 VI 49,742

8 VII 51,892

9 VIII 54,043

10 Beginning on July 1, 2011, and continuing thereafter, members
11 shall receive annual salaries as follows:

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

13 **SUPERVISORY AND NONSUPERVISORY RANKS**

14 Cadet During Training \$ 2,833 Mo. \$ 33,994

15 Cadet Trooper After Training \$ 3,438 Mo. \$ 41,258

16 Trooper Second Year 42,266

17 Trooper Third Year 42,649

18 Senior Trooper 43,048

19 Trooper First Class 43,654

20 Corporal 44,260

21 Sergeant 48,561

22 First Sergeant 50,712

23 Second Lieutenant 52,862

24 First Lieutenant 55,013

1 Captain 57,164

2 Major 59,314

3 Lieutenant Colonel 61,465

4 ANNUAL SALARY SCHEDULE (BASE PAY)

5 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

6 I 42,266

7 II 43,048

8 III 43,654

9 IV 44,260

10 V 48,561

11 VI 50,712

12 VII 52,862

13 VIII 55,013

14 ANNUAL SALARY SCHEDULE (BASE PAY)

15 CRIMINALIST CLASSIFICATION

16 I 42,266

17 II 43,048

18 III 43,654

19 IV 44,260

20 V 48,561

21 VI 50,712

22 VII 52,862

23 VIII 55,013

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

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

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

23 (g) The Legislature finds and declares that because of the
24 unique duties of members of the West Virginia State Police, it is

1 not appropriate to apply the provisions of state wage and hour laws
2 to them. Accordingly, members of the West Virginia State Police
3 are excluded from the provisions of state wage and hour law. This
4 express exclusion shall not be construed as any indication that the
5 members were or were not covered by the wage and hour law prior to
6 this exclusion.

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

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

1 not exceed ~~\$236~~ \$400 monthly. The superintendent and civilian
2 employees of the West Virginia State Police are not eligible for
3 any supplemental payments.

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

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

24 (j) Any member of the West Virginia State Police who is called

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

NOTE: The purpose of this bill is to increase the supplemental payment to 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.