

H. B. 4478

(By Delegates Duke, Overington, J. Miller,
Householder, Kump and Lawrence)

[Introduced February 9, 2012; referred to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, all relating to maintaining a minimum of eight hundred state troopers by July 1, 2016; and increasing the salary increase received at the end of two years of service with the West Virginia State Police to \$580.

Be it enacted by the Legislature of West Virginia:

That §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-3. State Police structure; how established.

(a) The superintendent shall create, appoint and equip the State Police which shall consist of the number of troops, districts and detachments required for the proper administration of the State Police. Each troop, district or detachment shall be composed of the number of officers and members the superintendent determines are necessary to meet operational needs and are required for the

1 efficient operation of the State Police.

2 (b) Notwithstanding the provisions of any other section of
3 this code and pursuant to amendments made to this section during
4 the 2012 Regular Session of the Legislature, the superintendent
5 shall implement a program to increase the number of state troopers
6 in the state to attain and maintain a minimum number of eight
7 hundred state troopers by July 1, 2016.

8 (c) The superintendent shall establish the general
9 organizational structure of the State Police by interpretive rule
10 in accordance with the provisions of article three, chapter
11 twenty-nine-a of this code. The superintendent shall provide
12 adequate facilities for the training of all members of the State
13 Police and shall prescribe basic training requirements for newly
14 enlisted members. He or she shall also provide advanced or
15 in-service training from time to time for all members of the State
16 Police. The superintendent shall hold training classes for other
17 peace officers in the state without cost to those officers, except
18 actual expenses for food, lodging and school supplies.

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

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

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

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

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

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

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

22 **SUPERVISORY AND NONSUPERVISORY RANKS**

23	Cadet During Training..	\$ 2,752 Mo.	\$ 33,024
24	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**

15 **SPECIALIST CLASSIFICATION**

16 I..	\$ 41,679
17 II	42,078
18 III.. . . .	42,684
19 IV	43,290
20 V.. . . .	47,591
21 VI	49,742
22 VII.. . . .	51,892
23 VIII	54,043

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

2 **CRIMINALIST CLASSIFICATION**

3	I..	\$ 41,679
4	II	42,078
5	III.. . . .	42,684
6	IV	43,290
7	V..	47,591
8	VI	49,742
9	VII.. . . .	51,892
10	VIII	54,043

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

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

14 **SUPERVISORY AND NONSUPERVISORY RANKS**

15	Cadet During Training.. . . .	\$ 2,833 Mo.	\$ 33,994
16	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
17	Trooper Second Year.. . . .		42,266
18	Trooper Third Year.		42,649
19	Senior Trooper.		43,048
20	Trooper First Class.. . . .		43,654
21	Corporal.		44,260
22	Sergeant.		48,561
23	First Sergeant.		50,712

1	Second Lieutenant..	52,862
2	First Lieutenant.	55,013
3	Captain..	57,164
4	Major..	59,314
5	Lieutenant Colonel.	61,465

6 ANNUAL SALARY SCHEDULE (BASE PAY)

7 ADMINISTRATION SUPPORT

8 SPECIALIST CLASSIFICATION

9	I..	42,266
10	II	43,048
11	III.. . . .	43,654
12	IV	44,260
13	V..	48,561
14	VI	50,712
15	VII.. . . .	52,862
16	VIII	55,013

17 ANNUAL SALARY SCHEDULE (BASE PAY)

18 CRIMINALIST CLASSIFICATION

19	I..	42,266
20	II.	43,048
21	III.. . . .	43,654
22	IV	44,260
23	V..	48,561

1 VI 50,712
2 VII.. . . . 52,862
3 VIII 55,013

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

9 (e) Each member of the West Virginia State Police whose salary
10 is fixed and specified pursuant to this section shall receive, and
11 is entitled to, an increase in salary over that set forth in
12 subsection (d) of this section for grade in rank, based on length
13 of service, including that service served before and after the
14 effective date of this section with the West Virginia State Police
15 as follows: At the ~~end of two years~~ beginning of the first year of
16 service with the West Virginia State Police, the member shall
17 receive a salary increase of ~~\$400 to be effective during his or her~~
18 ~~next year of service~~ \$580 and a like increase at yearly intervals
19 thereafter, with the increases to be cumulative.

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

1 them to receive under the provisions of this section.

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

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

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

1 Police's payroll officer the names of those members who have worked
2 in excess of the standard work month and the amount of their
3 entitlement to supplemental payment. The supplemental payment may
4 not exceed \$236 monthly. The superintendent and civilian employees
5 of the West Virginia State Police are not eligible for any
6 supplemental payments.

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

14 (i) In consideration for compensation paid by the West
15 Virginia State Police to its members during those members'
16 participation in the West Virginia State Police Cadet Training
17 Program pursuant to section eight, article twenty-nine, chapter
18 thirty of this code, the West Virginia State Police may require of
19 its members by written agreement entered into with each of them in
20 advance of such participation in the program that, if a member
21 should voluntarily discontinue employment any time within one year
22 immediately following completion of the training program, he or she
23 shall be obligated to pay to the West Virginia State Police a pro
24 rata portion of such compensation equal to that part of such year

1 which the member has chosen not to remain in the employ of the West
2 Virginia State Police.

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

NOTE: The purpose of this bill is to provide for an increase and establish a minimum number of troopers to provide basic law-enforcement services. The bill further provides that members of the West Virginia State Police shall receive a \$580 salary increase at the beginning of service.

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