

# **E N G R O S S E D**

COMMITTEE SUBSTITUTE

FOR

## **H. B. 4281**

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(BY DELEGATES WHITE, MILEY, HUNT, POORE,  
SKAFF, MOORE, FLEISCHAUER AND SOBONYA)

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(Originating in the Committee on Finance)  
[February 22, 2012]

A BILL to amend and reenact §15-2-5 of the Code fo West Virginia,  
1931, as amended, relating to the supplemental pay of members  
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.**

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

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

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

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

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

26 **SUPERVISORY AND NONSUPERVISORY RANKS**

27	Cadet During Training . . . . .	\$ 2,752 Mo.	\$ 33,024
28	Cadet Trooper After Training . . . . .	3,357.33 Mo.	40,288
29	Trooper Second Year . . . . .		41,296
30	Trooper Third Year . . . . .		41,679
31	Senior Trooper . . . . .		42,078
32	Trooper First Class . . . . .		42,684
33	Corporal . . . . .		43,290

34	Sergeant .....	47,591
35	First Sergeant .....	49,742
36	Second Lieutenant .....	51,892
37	First Lieutenant .....	54,043
38	Captain .....	56,194
39	Major .....	58,344
40	Lieutenant Colonel .....	60,495

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

42           **ADMINISTRATION SUPPORT SPECIALIST**

43                           **CLASSIFICATION**

44	I .....	\$ 41,679
45	II .....	42,078
46	III .....	42,684
47	IV .....	43,290
48	V .....	47,591
49	VI .....	49,742
50	VII .....	51,892
51	VIII .....	54,043

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

53 **CRIMINALIST CLASSIFICATION**

54	I .....	\$ 41,679
55	II .....	42,078
56	III .....	42,684
57	IV .....	43,290
58	V .....	47,591
59	VI .....	49,742
60	VII .....	51,892
61	VIII .....	54,043

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

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

65 **SUPERVISORY AND NONSUPERVISORY RANKS**

66	Cadet During Training .....	\$ 2,833 Mo.	\$ 33,994
67	Cadet Trooper After Training .....	\$ 3,438 Mo.	\$ 41,258
68	Trooper Second Year .....		42,266
69	Trooper Third Year .....		42,649
70	Senior Trooper .....		43,048

71	Trooper First Class .....	43,654
72	Corporal .....	44,260
73	Sergeant .....	48,561
74	First Sergeant .....	50,712
75	Second Lieutenant .....	52,862
76	First Lieutenant .....	55,013
77	Captain .....	57,164
78	Major .....	59,314
79	Lieutenant Colonel .....	61,465

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

81           **ADMINISTRATION SUPPORT SPECIALIST**

82                           **CLASSIFICATION**

83	I .....	42,266
84	II .....	43,048
85	III .....	43,654
86	IV .....	44,260
87	V .....	48,561
88	VI .....	50,712
89	VII .....	52,862
90	VIII .....	55,013

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

92 **CRIMINALIST CLASSIFICATION**

93	I .....	42,266
94	II .....	43,048
95	III .....	43,654
96	IV .....	44,260
97	V .....	48,561
98	VI .....	50,712
99	VII .....	52,862
100	VIII .....	55,013

101 Each member of the West Virginia State Police whose  
102 salary is fixed and specified in this annual salary schedule is  
103 entitled to the length of service increases set forth in  
104 subsection (e) of this section and supplemental pay as  
105 provided in subsection (g) of this section.

106 (e) Each member of the West Virginia State Police whose  
107 salary is fixed and specified pursuant to this section shall  
108 receive, and is entitled to, an increase in salary over that set  
109 forth in subsection (d) of this section for grade in rank, based

110 on length of service, including that service served before and  
111 after the effective date of this section with the West Virginia  
112 State Police as follows: At the end of two years of service  
113 with the West Virginia State Police, the member shall receive  
114 a salary increase of \$400 to be effective during his or her  
115 next year of service and a like increase at yearly intervals  
116 thereafter, with the increases to be cumulative.

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

124 (g) The Legislature finds and declares that because of the  
125 unique duties of members of the West Virginia State Police,  
126 it is not appropriate to apply the provisions of state wage and  
127 hour laws to them. Accordingly, members of the West  
128 Virginia State Police are excluded from the provisions of

129 state wage and hour law. This express exclusion shall not be  
130 construed as any indication that the members were or were  
131 not covered by the wage and hour law prior to this exclusion.

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

138 The authority of the superintendent to propose a  
139 legislative rule or amendment thereto for promulgation in  
140 accordance with article three, chapter twenty-nine-a of this  
141 code to establish the number of hours per month which  
142 constitute the standard work month for the members of the  
143 West Virginia State Police is hereby continued. The rule  
144 shall further establish, on a graduated hourly basis, the  
145 criteria for receipt of a portion or all of supplemental  
146 payment when hours are worked in excess of the standard  
147 work month. The superintendent shall certify monthly to the

148 West Virginia State Police's payroll officer the names of  
149 those members who have worked in excess of the standard  
150 work month and the amount of their entitlement to  
151 supplemental payment. The supplemental payment may not  
152 exceed ~~\$236~~ \$400 monthly. The superintendent and civilian  
153 employees of the West Virginia State Police are not eligible  
154 for any supplemental payments.

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

163 (i) In consideration for compensation paid by the West  
164 Virginia State Police to its members during those members'  
165 participation in the West Virginia State Police Cadet Training  
166 Program pursuant to section eight, article twenty-nine,

167 chapter thirty of this code, the West Virginia State Police  
168 may require of its members by written agreement entered into  
169 with each of them in advance of such participation in the  
170 program that, if a member should voluntarily discontinue  
171 employment any time within one year immediately following  
172 completion of the training program, he or she shall be  
173 obligated to pay to the West Virginia State Police a pro rata  
174 portion of such compensation equal to that part of such year  
175 which the member has chosen not to remain in the employ of  
176 the West Virginia State Police.

177 (j) Any member of the West Virginia State Police who is  
178 called to perform active duty training or inactive duty  
179 training in the National Guard or any reserve component of  
180 the Armed Forces of the United States annually shall be  
181 granted, upon request, leave time not to exceed thirty  
182 calendar days for the purpose of performing the active duty  
183 training or inactive duty training and the time granted may  
184 not be deducted from any leave accumulated as a member of  
185 the West Virginia State Police.