

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4281

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



Passed March 9, 2012

To Take Effect July 1, 2012

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COMMITTEE SUBSTITUTE

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H. B. 4281

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

[Passed March 9, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §15-2-5 of the Code of 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

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

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

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

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

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

27 **SUPERVISORY AND NONSUPERVISORY RANKS**

28	Cadet During Training	\$ 2,752 Mo.	\$ 33,024
29	Cadet Trooper After Training	3,357.33 Mo.	40,288
30	Trooper Second Year		41,296

31	Trooper Third Year	41,679
32	Senior Trooper	42,078
33	Trooper First Class	42,684
34	Corporal	43,290
35	Sergeant	47,591
36	First Sergeant	49,742
37	Second Lieutenant	51,892
38	First Lieutenant	54,043
39	Captain	56,194
40	Major	58,344
41	Lieutenant Colonel	60,495

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

43 **ADMINISTRATION SUPPORT SPECIALIST**
 44 **CLASSIFICATION**

45	I	\$ 41,679
46	II	42,078
47	III	42,684
48	IV	43,290
49	V	47,591

50	VI	49,742
51	VII	51,892
52	VIII	54,043

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

54 **CRIMINALIST CLASSIFICATION**

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

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

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

66 **SUPERVISORY AND NONSUPERVISORY RANKS**

67	Cadet During Training	\$ 2,833 Mo.	\$ 33,994
68	Cadet Trooper After Training	3,438 Mo.	41,258

69	Trooper Second Year	42,266
70	Trooper Third Year	42,649
71	Senior Trooper	43,048
72	Trooper First Class	43,654
73	Corporal	44,260
74	Sergeant	48,561
75	First Sergeant	50,712
76	Second Lieutenant	52,862
77	First Lieutenant	55,013
78	Captain	57,164
79	Major	59,314
80	Lieutenant Colonel	61,465

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

82 **ADMINISTRATION SUPPORT SPECIALIST**
 83 **CLASSIFICATION**

84	I	42,266
85	II	43,048
86	III	43,654
87	IV	44,260

88	V	48,561
89	VI	50,712
90	VII	52,862
91	VIII	55,013

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

93 **CRIMINALIST CLASSIFICATION**

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

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

107 (e) Each member of the West Virginia State Police whose
108 salary is fixed and specified pursuant to this section shall

109 receive, and is entitled to, an increase in salary over that set
110 forth in subsection (d) of this section for grade in rank, based
111 on length of service, including that service served before and
112 after the effective date of this section with the West Virginia
113 State Police as follows: At the end of two years of service
114 with the West Virginia State Police, the member shall receive
115 a salary increase of \$400 to be effective during his or her next
116 year of service and a like increase at yearly intervals
117 thereafter, with the increases to be cumulative.

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

125 (g) The Legislature finds and declares that because of the
126 unique duties of members of the West Virginia State Police,
127 it is not appropriate to apply the provisions of state wage and
128 hour laws to them. Accordingly, members of the West
129 Virginia State Police are excluded from the provisions of
130 state wage and hour law. This express exclusion shall not be
131 construed as any indication that the members were or were
132 not covered by the wage and hour law prior to this exclusion.

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

139 The authority of the superintendent to propose a
140 legislative rule or amendment thereto for promulgation in

141 accordance with article three, chapter twenty-nine-a of this
142 code to establish the number of hours per month which
143 constitute the standard work month for the members of the
144 West Virginia State Police is hereby continued. The rule
145 shall further establish, on a graduated hourly basis, the
146 criteria for receipt of a portion or all of supplemental payment
147 when hours are worked in excess of the standard work month.
148 The superintendent shall certify monthly to the West Virginia
149 State Police's payroll officer the names of those members
150 who have worked in excess of the standard work month and
151 the amount of their entitlement to supplemental payment.
152 The supplemental payment may not exceed \$400 monthly.
153 The superintendent and civilian employees of the West
154 Virginia State Police are not eligible for any supplemental
155 payments.

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

164 (i) In consideration for compensation paid by the West
165 Virginia State Police to its members during those members'
166 participation in the West Virginia State Police Cadet Training
167 Program pursuant to section eight, article twenty-nine,
168 chapter thirty of this code, the West Virginia State Police
169 may require of its members by written agreement entered into
170 with each of them in advance of such participation in the
171 program that, if a member should voluntarily discontinue
172 employment any time within one year immediately following
173 completion of the training program, he or she shall be
174 obligated to pay to the West Virginia State Police a pro rata

175 portion of such compensation equal to that part of such year
176 which the member has chosen not to remain in the employ of
177 the West Virginia State Police.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect July 1, 2012.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor