

Senate Bill No. 356

(By Senators Snyder, Unger, Plymale, Beach and Williams)

[Introduced February 22, 2013; referred to the Committee on Government Organization; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, all relating to the State Police; increasing the salary of forensic lab employees \$10,000 per year; and increasing the salary of general civilian employees \$4,000 per year.

Be it enacted by the Legislature of West Virginia:

That §15-2-5 and §15-2-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. 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

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

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

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

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

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

1 SUPERVISORY AND NONSUPERVISORY RANKS

2	Cadet During Training.	\$ 2,752 Mo.	\$ 33,024
3	Cadet Trooper After Training.	3,357.33 Mo.	40,288
4	Trooper Second Year.		41,296
5	Trooper Third Year.		41,679
6	Senior Trooper.		42,078
7	Trooper First Class.		42,684
8	Corporal.		43,290
9	Sergeant.		47,591
10	First Sergeant.		49,742
11	Second Lieutenant.		51,892
12	First Lieutenant.		54,043
13	Captain.		56,194
14	Major.		58,344
15	Lieutenant Colonel.		60,495

16 ANNUAL SALARY SCHEDULE (BASE PAY)

17 ADMINISTRATION SUPPORT

18 SPECIALIST CLASSIFICATION

19	I.	\$ 41,679
20	II	42,078
21	III.	42,684
22	IV	43,290

1	V..	47,591
2	VI	49,742
3	VII.. . . .	51,892
4	VIII	54,043

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

6 **CRIMINALIST CLASSIFICATION**

7	I..	\$ 41,679
8	II	42,078
9	III.. . . .	42,684
10	IV	43,290
11	V..	47,591
12	VI	49,742
13	VII.. . . .	51,892
14	VIII	54,043

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

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19	Cadet During Training.. . . .	\$ 2,833 Mo.	\$ 33,994
20	Cadet Trooper After Training.	\$ 3,438 Mo.	\$ 41,258
21	Trooper Second Year.. . . .		42,266
22	Trooper Third Year.		42,649

1	Senior Trooper.	43,048
2	Trooper First Class.. . . .	43,654
3	Corporal.	44,260
4	Sergeant.	48,561
5	First Sergeant.	50,712
6	Second Lieutenant.. . . .	52,862
7	First Lieutenant.	55,013
8	Captain.. . . .	57,164
9	Major...	59,314
10	Lieutenant Colonel.	61,465
11	ANNUAL SALARY SCHEDULE (BASE PAY)	
12	ADMINISTRATION SUPPORT	
13	SPECIALIST CLASSIFICATION	
14	I..	42,266
15	II	43,048
16	III.. . . .	43,654
17	IV	44,260
18	V..	48,561
19	VI	50,712
20	VII.. . . .	52,862
21	VIII	55,013
22	ANNUAL SALARY SCHEDULE (BASE PAY)	

1 **CRIMINALIST CLASSIFICATION**

2	I..	42,266	<u>52,266</u>
3	II..	43,048	<u>53,048</u>
4	III..	43,654	<u>53,654</u>
5	IV	44,260	<u>54,260</u>
6	V..	48,561	<u>58,561</u>
7	VI	50,712	<u>60,712</u>
8	VII..	52,862	<u>62,862</u>
9	VIII	55,013	<u>65,013</u>

10 Each member of the West Virginia State Police whose salary is
11 fixed and specified in this annual salary schedule is entitled to
12 the length of service increases set forth in subsection (e) of this
13 section and supplemental pay as provided in subsection (g) of this
14 section.

15 (e) Each member of the West Virginia State Police whose salary
16 is fixed and specified pursuant to this section shall receive, and
17 is entitled to, an increase in salary over that set forth in
18 subsection (d) of this section for grade in rank, based on length
19 of service, including that service served before and after the
20 effective date of this section with the West Virginia State Police
21 as follows: At the end of two years of service with the West
22 Virginia State Police, the member shall receive a salary increase
23 of \$400 to be effective during his or her next year of service and

1 a like increase at yearly intervals thereafter, with the increases
2 to be cumulative.

3 (f) In applying the salary schedules set forth in this section
4 where salary increases are provided for length of service, members
5 of the West Virginia State Police in service at the time the
6 schedules become effective shall be given credit for prior service
7 and shall be paid the salaries the same length of service entitles
8 them to receive under the provisions of this section.

9 (g) The Legislature finds and declares that because of the
10 unique duties of members of the West Virginia State Police, it is
11 not appropriate to apply the provisions of state wage and hour laws
12 to them. Accordingly, members of the West Virginia State Police
13 are excluded from the provisions of state wage and hour law. This
14 express exclusion shall not be construed as any indication that the
15 members were or were not covered by the wage and hour law prior to
16 this exclusion.

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

23 The authority of the superintendent to propose a legislative

1 rule or amendment thereto for promulgation in accordance with
2 article three, chapter twenty-nine-a of this code to establish the
3 number of hours per month which constitute the standard work month
4 for the members of the West Virginia State Police is hereby
5 continued. The rule shall further establish, on a graduated hourly
6 basis, the criteria for receipt of a portion or all of supplemental
7 payment when hours are worked in excess of the standard work month.
8 The superintendent shall certify monthly to the West Virginia State
9 Police's payroll officer the names of those members who have worked
10 in excess of the standard work month and the amount of their
11 entitlement to supplemental payment. The supplemental payment may
12 not exceed \$400 monthly. The superintendent and civilian employees
13 of the West Virginia State Police are not eligible for any
14 supplemental payments.

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

22 (i) In consideration for compensation paid by the West
23 Virginia State Police to its members during those members'

1 participation in the West Virginia State Police Cadet Training
2 Program pursuant to section eight, article twenty-nine, chapter
3 thirty of this code, the West Virginia State Police may require of
4 its members by written agreement entered into with each of them in
5 advance of such participation in the program that, if a member
6 should voluntarily discontinue employment any time within one year
7 immediately following completion of the training program, he or she
8 shall be obligated to pay to the West Virginia State Police a pro
9 rata portion of such compensation equal to that part of such year
10 which the member has chosen not to remain in the employ of the West
11 Virginia State Police.

12 (j) Any member of the West Virginia State Police who is called
13 to perform active duty training or inactive duty training in the
14 National Guard or any reserve component of the Armed Forces of the
15 United States annually shall be granted, upon request, leave time
16 not to exceed thirty calendar days for the purpose of performing
17 the active duty training or inactive duty training and the time
18 granted may not be deducted from any leave accumulated as a member
19 of the West Virginia State Police.

20 **§15-2-7. Cadet selection board; qualifications for and appointment**
21 **to membership in State Police; civilian employees.**

22 (a) The superintendent shall establish within the West
23 Virginia State Police a cadet selection board which shall be

1 representative of commissioned and noncommissioned officers within
2 the State Police.

3 (b) The superintendent shall appoint a member to the position
4 of trooper from among the top three names on the current list of
5 eligible applicants established by the cadet selection board.

6 (c) Preference in making appointments shall be given whenever
7 possible to honorably discharged members of the Armed Forces of the
8 United States and to residents of West Virginia. Each applicant
9 for appointment shall be a person not less than twenty-one years of
10 age nor more than thirty-nine years of age, of sound constitution
11 and good moral character; is required to pass any mental and
12 physical examination; and meet other requirements as provided in
13 rules promulgated by the cadet selection board: *Provided*, That a
14 former member may, at the discretion of the superintendent, be
15 reenlisted.

16 (d) No person may be barred from becoming a member of the
17 State Police because of his or her religious or political
18 convictions.

19 (e) The superintendent shall adhere to the principles of equal
20 employment opportunity set forth in article eleven, chapter five of
21 this code and shall take positive steps to encourage applications
22 for State Police membership from females and minority groups within
23 the state. An annual report shall be filed with the Legislature on

1 or before January 1 of each year by the superintendent which
2 includes a summary of the efforts and the effectiveness of those
3 efforts intended to recruit females, African-Americans and other
4 minorities into the ranks of the State Police.

5 (f) Except for the superintendent, no person may be appointed
6 or enlisted to membership in the State Police at a grade or rank
7 above the grade of trooper.

8 (g) The superintendent shall appoint civilian employees as are
9 necessary and all employees may be included in the classified
10 service of the civil service system except those in positions
11 exempt under the provisions of article six, chapter twenty-nine of
12 this code.

13 (h) Effective July 1, 2001, civilian employees with a minimum
14 of five years' service shall receive a salary increase equal to
15 \$100 a year for each year of service as a civilian employee. Every
16 three years thereafter, civilian employees who have five or more
17 years of service shall receive an annual salary increase of \$300.
18 The increases in salary provided by this subsection are in addition
19 to any other increases to which the civilian employees might
20 otherwise be entitled.

21 (i) Effective July 1, 2013, civilian employees shall receive
22 a salary increase of \$4,000. The increase in salary provided by
23 this subsection is in addition to any other increases to which the

1 civilian employees might otherwise be entitled.

NOTE: The purpose of this bill is to increase the State Police forensic lab tech salary \$10,000 per year; and to increase the salary of civilian employees by \$4,000 per year.

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