

1 **H. B. 4550**

2
3 (By Delegate Guthrie)

4 [Introduced February 14, 2014; referred to the
5 Committee on Finance.]
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10 A BILL to amend and reenact §15-2-5 of the Code of West Virginia,
11 1931, as amended, relating to providing educational incentives
12 and longevity pay for state troopers.

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

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

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

17 **§15-2-5. Career progression system; salaries; exclusion from wages
18 and hour law, with supplemental payment; bond; leave
19 time for members called to duty in guard or reserves.**

20 (a) The superintendent shall establish within the West
21 Virginia State Police a system to provide for: The promotion of
22 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.. . . . \$ 2,752.00 Mo. \$ 33,024

| | | | |
|----|---------------------------------------|--------------|--------|
| 1 | Cadet Trooper After Training. | 3,357.33 Mo. | 40,288 |
| 2 | Trooper Second Year.. | | 41,296 |
| 3 | Trooper Third Year. | | 41,679 |
| 4 | Senior Trooper. | | 42,078 |
| 5 | Trooper First Class.. | | 42,684 |
| 6 | Corporal. | | 43,290 |
| 7 | Sergeant. | | 47,591 |
| 8 | First Sergeant. | | 49,742 |
| 9 | Second Lieutenant.. | | 51,892 |
| 10 | First Lieutenant. | | 54,043 |
| 11 | Captain.. | | 56,194 |
| 12 | Major.. | | 58,344 |
| 13 | Lieutenant Colonel. | | 60,495 |

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

15 **ADMINISTRATION SUPPORT 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 SPECIALIST CLASSIFICATION

| | | |
|----|---------------|--------|
| 8 | I.. | 42,266 |
| 9 | II | 43,048 |
| 10 | III.. | 43,654 |
| 11 | IV | 44,260 |
| 12 | V.. | 48,561 |
| 13 | VI | 50,712 |
| 14 | VII.. | 52,862 |
| 15 | VIII. | 55,013 |

16 ANNUAL SALARY SCHEDULE (BASE PAY)

17 CRIMINALIST CLASSIFICATION

| | | |
|----|---------------|--------|
| 18 | I.. | 42,266 |
| 19 | II. | 43,048 |
| 20 | III.. | 43,654 |
| 21 | IV. | 44,260 |
| 22 | V.. | 48,561 |
| 23 | VI. | 50,712 |

1 VII.. 52,862

2 VIII. 55,013

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

8 (e) Each member of the West Virginia State Police whose salary
9 is fixed and specified pursuant to this section shall receive, and
10 is entitled to, an increase in salary over that set forth in
11 subsection (d) of this section for grade in rank, based on length
12 of service, including that service served before and after the
13 effective date of this section with the West Virginia State Police
14 as follows: At the end of two years of service with the West
15 Virginia State Police, the member shall receive a salary increase
16 of ~~\$400~~ \$800 to be effective during his or her next year of service
17 and a like increase at yearly intervals thereafter, with the
18 increases to be cumulative: Provided, That members who obtain a
19 college degree shall receive an additional salary increase based
20 upon educational attainment as follows: bachelor's degree \$200 per
21 year, master's degree \$300 per year, doctorate degree \$400 per
22 year, to be effective during his or her next year of service and a
23 like increase at yearly intervals thereafter, with the increases to

1 be cumulative: *Provided, however,* That members who currently hold
2 a college degree shall receive an additional salary increase based
3 upon educational attainment as follows: bachelor's degree \$200 per
4 year, master's degree \$300 per year, doctorate degree \$400 per
5 year, to be effective on his or her next anniversary date and a
6 like increase at yearly intervals thereafter, with the increases to
7 be cumulative.

8 (f) Each member of the West Virginia State Police who obtains
9 a college degree at the bachelors, masters or doctorate degree
10 shall receive a one-time \$1,500 educational incentive payment upon
11 completion of the degree. Members currently having a college
12 degree shall receive the one-time payment with the last pay period
13 of the month following the effective date of the amendment and
14 reenactment of this section.

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

21 ~~(g)~~ (h) The Legislature finds and declares that because of the
22 unique duties of members of the West Virginia State Police, it is
23 not appropriate to apply the provisions of state wage and hour laws

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

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

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

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

4 ~~(h)~~ (i) Each member of the West Virginia State Police, except
5 the 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)~~ (j) 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.

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

NOTE: The purpose of this bill is to provide educational incentives and longevity pay to state troopers. There is a tremendous need to retain our trained, experienced State Police, not only to maintain our mid-level officers and mentors but to save the cost of training new cadets to replace them.

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