

H. B. 2075

(By Delegates Caputo and Hamilton)

[Introduced January 15, 2015; 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, 2017; and
increasing the salary increase received at the end of two years of service with the West
Virginia State Police from \$500 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; minimum number of troopers; training;
special revenue account.**

(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

1 the superintendent determines are necessary to meet operational needs and are required for the
2 efficient operation of the State Police. The superintendent shall establish the general organizational
3 structure of the State Police by interpretive rule in accordance with the provisions of article three,
4 chapter twenty-nine-a of this code. The superintendent shall provide adequate facilities for the
5 training of all members of the State Police and shall prescribe basic training requirements for newly
6 enlisted members. He or she shall also provide advanced or in-service training from time to time
7 for all members of the State Police. The superintendent shall hold entry-level training classes for
8 other law-enforcement officers in the state without cost to those officers, except actual expenses for
9 food, lodging and school supplies. The superintendent may hold advanced levels of training classes
10 for other law-enforcement officers in the state for a reasonable daily fee per student not to exceed
11 \$100.

12 (b) Notwithstanding any other provision of this code to the contrary, the superintendent shall
13 implement a program to increase the number of state troopers in the state to attain and maintain a
14 minimum number of eight hundred state troopers by July 1, 2017.

15 ~~(b)~~ (c) There is hereby created in the State Treasury a special revenue account, which shall
16 be an interest bearing account, to be known as the Academy Training and Professional Development
17 Fund. The special revenue account shall consist of training fees, any appropriations that may be
18 made by the Legislature, income from the investment of moneys held in the special revenue account
19 and all other sums available for deposit to the special revenue account from any source, public or
20 private. No expenditures for purposes of this section are authorized from collections except in
21 accordance with the provisions of article three, chapter twelve of this code and upon fulfillment of
22 the provisions set forth in article two, chapter eleven-b of this code. Any balance remaining in the

1 special revenue account at the end of any state fiscal year does not revert to the General Revenue
2 Fund but remains in the special revenue account and shall be used solely in a manner consistent with
3 this article. The superintendent is authorized to expend funds from the account to offset operational
4 and training costs; for building maintenance and repair, for purchases and for equipment repair or
5 replacement for the West Virginia State Police Academy; and to defray necessary expenses
6 incidental to those and other activities associated with law-enforcement training.

7 **§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with**
8 **supplemental payment; bond; leave time for members called to duty in guard**
9 **or reserves.**

10 (a) The superintendent shall establish within the West Virginia State Police a system to
11 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second
12 lieutenant and first lieutenant; the classification of nonsupervisory members within the field
13 operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the
14 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary
15 reclassification of members assigned to administrative duties as administrative support specialist I-
16 VIII.

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

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

1 of any members on a promotional eligibility or reclassification recommendation list.

2 (d) Beginning on July 1, 2011, members shall receive annual salaries as follows:

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

4 **SUPERVISORY AND NONSUPERVISORY RANKS**

5	Cadet During Training	\$ 2,833 Mo.	\$ 33,994
6	Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
7	Trooper Second Year.....		42,266
8	Trooper Third Year.....		42,649
9	Senior Trooper.....		43,048
10	Trooper First Class.....		43,654
11	Corporal.....		44,260
12	Sergeant.....		48,561
13	First Sergeant.....		50,712
14	Second Lieutenant.....		52,862
15	First Lieutenant.....		55,013
16	Captain.....		57,164
17	Major.....		59,314
18	Lieutenant Colonel.....		61,465

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

20 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

21	I.....		42,266
22	II.....		43,048

1	III.	43,654
2	IV	44,260
3	V.....	48,561
4	VI.	50,712
5	VII.	52,862
6	VIII.....	55,013

7 ANNUAL SALARY SCHEDULE (BASE PAY)

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

20 (e) Each member of the West Virginia State Police whose salary is fixed and specified
21 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
22 subsection (d) of this section for grade in rank, based on length of service, including that service

1 served before and after the effective date of this section with the West Virginia State Police as
2 follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service
3 with the West Virginia State Police, the member shall receive a salary increase of ~~\$500~~ \$580 to be
4 effective during his or her next year of service and a like increase at yearly intervals thereafter, with
5 the increases to be cumulative.

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

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

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

19 The authority of the superintendent to propose a legislative rule or amendment thereto for
20 promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the
21 number of hours per month which constitute the standard work month for the members of the West
22 Virginia State Police is hereby continued. The rule shall further establish, on a graduated hourly

1 basis, the criteria for receipt of a portion or all of supplemental payment when hours are worked in
2 excess of the standard work month. The superintendent shall certify monthly to the West Virginia
3 State Police's payroll officer the names of those members who have worked in excess of the standard
4 work month and the amount of their entitlement to supplemental payment. The supplemental
5 payment may not exceed \$400 monthly. The superintendent and civilian employees of the West
6 Virginia State Police are not eligible for any supplemental payments.

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

12 (i) In consideration for compensation paid by the West Virginia State Police to its members
13 during those members' participation in the West Virginia State Police Cadet Training Program
14 pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State
15 Police may require of its members by written agreement entered into with each of them in advance
16 of such participation in the program that, if a member should voluntarily discontinue employment
17 any time within one year immediately following completion of the training program, he or she shall
18 be obligated to pay to the West Virginia State Police a pro rata portion of such compensation equal
19 to that part of such year which the member has chosen not to remain in the employ of the West
20 Virginia State Police.

21 (j) Any member of the West Virginia State Police who is called to perform active duty
22 training or inactive duty training in the National Guard or any reserve component of the Armed

- 1 Forces of the United States annually shall be granted, upon request, leave time not to exceed thirty
- 2 calendar days for the purpose of performing the active duty training or inactive duty training and the
- 3 time granted may not be deducted from any leave accumulated as a member of the West Virginia
- 4 State Police.

NOTE: The purpose of this bill is to establish a minimum number of troopers to provide basic law- enforcement services. The bill further provides that the salary increase at the end of two years of service for members of the West Virginia State Police will increase from \$500 to \$580.

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