

**H. B. 2899**

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(By Delegates Caputo, Hamilton, Lynch, Fluharty, Hornbuckle,  
Storch, Moore, Skinner, Manchin and Miley)

[Introduced February 24, 2015; referred to the  
Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to  
career progression of members of the State Police; increasing the longevity pay for members  
of the State Police; providing for certain increases in pay if certain educational attainment  
is met by members of the State Police; and adjusting the timing of certain salary changes.

*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 wage 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 Virginia State Police a system to  
provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant, second  
lieutenant and first lieutenant; the classification of nonsupervisory members within the field

1 operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the  
2 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the temporary  
3 reclassification of members assigned to administrative duties as administrative support specialist  
4 I-VIII.

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

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

12 (d) Beginning on July 1, 2011, members 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

1	First Sergeant.....	50,712
2	Second Lieutenant.....	52,862
3	First Lieutenant.....	55,013
4	Captain.....	57,164
5	Major.....	59,314
6	Lieutenant Colonel.....	61,465
7	<b>ANNUAL SALARY SCHEDULE (BASE PAY)</b>	
8	<b>ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION</b>	
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	<b>ANNUAL SALARY SCHEDULE (BASE PAY)</b>	
18	<b>CRIMINALIST CLASSIFICATION</b>	
19	I.....	42,266
20	II.....	43,048
21	III.....	43,654
22	IV.....	44,260

1 V..... 48,561  
2 VI..... 50,712  
3 VII. .... 52,862  
4 VIII..... 55,013

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

8 (e) Each member of the West Virginia State Police whose salary is fixed and specified  
9 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
10 subsection (d) of this section for grade in rank, based on length of service, including that service  
11 served before and after the effective date of this section with the West Virginia State Police as  
12 follows: Beginning on ~~January~~ July 1, 2015 and continuing thereafter, at the end of two years of  
13 service with the West Virginia State Police, the member shall receive a salary increase of ~~\$500~~ \$800  
14 to be effective during his or her next year of service and a like increase at yearly intervals thereafter,  
15 with the increases to be cumulative. Members who obtain a college degree shall receive an  
16 additional salary increase based upon educational attainment as follows: Bachelor’s degree \$200  
17 per year, master’s degree \$300 per year, doctorate degree \$400 per year, to be effective during his  
18 or her next year of service and a like increase at yearly intervals thereafter, with the increases to be  
19 cumulative. However, members who currently hold a college degree shall receive an additional  
20 salary increase based upon educational attainment as follows: Bachelor’s degree \$200 per year,  
21 master’s degree \$300 per year, doctorate degree \$400 per year, to be effective on his or her next  
22 anniversary date and a like increase at yearly intervals thereafter, with the increases to be cumulative.

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

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

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

20        The authority of the superintendent to propose a legislative rule or amendment thereto for  
21 promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the  
22 number of hours per month which constitute the standard work month for the members of the West

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

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

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

22       ~~(j)~~ (k) Any member of the West Virginia State Police who is called to perform active duty

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

NOTE: The purpose of this bill is to increase the longevity pay for members of the State Police. The bill provides for certain increases in pay if certain educational attainment is met by members of the State Police. The bill adjusts the timing of certain salary changes.

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