

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 453

BY SENATORS BOLEY AND CLINE

[Originating in the Committee on Government

Organization; reported on March 17, 2017]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
2 to adding the classification and base salaries of certain civilian employees of the West
3 Virginia State Police Forensic Laboratory as evidence technicians, forensic technicians,
4 forensic analysts and forensic analysts supervisors.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 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.

1 (a) The superintendent shall establish within the West Virginia State Police a system to
2 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant,
3 second lieutenant and first lieutenant; the classification of nonsupervisory members within the
4 field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the
5 classification of members assigned to the forensic laboratory as criminalist I-VIII; ~~and~~ the
6 temporary reclassification of members assigned to administrative duties as administrative support
7 specialist I-VIII; and the classification of civilian employees in the forensic laboratory as evidence
8 technicians I-IV, forensic technicians I-IV, forensic analysts I-VI and forensic analyst supervisors
9 I-III.

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

14 (c) The superintendent shall provide to each member a written manual governing any
15 system established under the provisions of this section and specific procedures shall be identified
16 for the evaluation and testing of members for promotion or reclassification and the subsequent
17 placement of any members on a promotional eligibility or reclassification recommendation list.
18 The superintendent shall provide to each evidence technician, forensic technician, forensic
19 analyst and forensic analyst supervisor a written manual governing the reclassification process
20 within the West Virginia State Police Forensic Laboratory.

21 (d) Beginning on July 1, 2011, members shall receive annual salaries payable at least
22 twice per month as follows:

23 ANNUAL SALARY SCHEDULE (BASE PAY)

24 SUPERVISORY AND NONSUPERVISORY RANKS

25	Cadet During Training	\$2,833 Mo.	\$33,994
26	Cadet Trooper After Training	\$3,438 Mo.	\$41,258
27	Trooper Second Year		\$42,266
28	Trooper Third Year		\$42,649
29	Senior Trooper		\$43,048
30	Trooper First Class		\$43,654
31	Corporal		\$44,260
32	Sergeant		\$48,561
33	First Sergeant		\$50,712
34	Second Lieutenant		\$52,862
35	First Lieutenant		\$55,013
36	Captain		\$57,164
37	Major		\$59,314
38	Lieutenant Colonel		\$61,465

39 ANNUAL SALARY SCHEDULE (BASE PAY)

40 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

41	I	\$42,266
42	II	\$43,048
43	III	\$43,654
44	IV	\$44,260
45	V	\$48,561
46	VI	\$50,712
47	VII	\$52,862
48	VIII	\$55,013

49 ANNUAL SALARY SCHEDULE (BASE PAY)

50 CRIMINALIST CLASSIFICATION

51	I	\$42,266
52	II	\$43,048
53	III	\$43,654
54	IV	\$44,260
55	V	\$48,561
56	VI	\$50,712
57	VII	\$52,862
58	VIII	\$55,013

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

62 (e) Beginning on July 1, 2017, the superintendent shall appoint the position of forensic
63 laboratory director or administrator and quality assurance manager and affix their salaries. The
64 civilian evidence technicians, forensic technicians, forensic analysts and forensic analysts'
65 supervisors for the West Virginia State Police shall receive annual salaries as follows:

66 ANNUAL SALARY SCHEDULE (BASE PAY)

67 EVIDENCE TECHNICIAN

68 I \$33,280

69 II \$36,608

70 III \$40,269

71 IV \$44,296

72 ANNUAL SALARY SCHEDULE (BASE PAY)

73 FORENSIC TECHNICIAN

74 I \$38,480

75 II \$41,174

76 III \$44,056

77 IV \$47,140

78 ANNUAL SALARY SCHEDULE (BASE PAY)

79 FORENSIC ANALYST

80 I \$43,680

81 II \$45,864

82 III \$49,075

83 IV \$53,983

84 V \$57,762

85 VI \$61,806

86 ANNUAL SALARY SCHEDULE (BASE PAY)

87 FORENSIC ANALYST SUPERVISOR

88 I \$59,382

89 II \$63,539

90 III \$67,987

91 ~~(e)~~ (f) Each member of the West Virginia State Police whose salary is fixed and specified
92 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
93 subsection (d) of this section for grade in rank, based on length of service, including that service
94 served before and after the effective date of this section with the West Virginia State Police as
95 follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of
96 service with the West Virginia State Police, the member shall receive a salary increase of \$500
97 to be effective during his or her next year of service and a like increase at yearly intervals
98 thereafter, with the increases to be cumulative.

99 (g) Civilian employees of the West Virginia State Police whose salary is fixed and specified
100 pursuant to this section shall receive, and are entitled to, an increase in salary over that set forth
101 in subsection (e) of this section as provided in subsection (i), section seven of this article.

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

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

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

116 The authority of the superintendent to propose a legislative rule or amendment thereto
117 for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish
118 the number of hours ~~per month~~ which constitute the standard ~~work-month~~ pay period for the
119 members of the West Virginia State Police is hereby continued. The rule shall further establish,
120 on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental payment
121 when hours are worked in excess of the standard ~~work-month~~ pay period. The superintendent
122 shall certify ~~monthly~~ at least twice per month to the West Virginia State Police's payroll officer the
123 names of those members who have worked in excess of the standard ~~work-month~~ pay period and
124 the amount of their entitlement to supplemental payment. The supplemental payment may not
125 exceed ~~\$400 monthly~~ \$184.62 per pay period. The superintendent and civilian employees of the
126 West Virginia State Police are not eligible for any supplemental payments.

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

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

141 ~~(j)~~ (l) Any member of the West Virginia State Police who is called to perform active duty
142 training or inactive duty training in the National Guard or any reserve component of the armed
143 forces of the United States annually shall be granted, upon request, leave time not to exceed
144 thirty calendar days for the purpose of performing the active duty training or inactive duty training
145 and the time granted may not be deducted from any leave accumulated as a member of the West
146 Virginia State Police.

NOTE: The purpose of this bill is to establish the classification of certain civilian employees of the Forensic Laboratory as Evidence Technicians I-IV, Forensic Technicians I-IV, Forensic Analysts I-VI, Forensic Analyst Supervisors I-III and for the superintendent to appoint a forensic laboratory director and quality assurance manager and affix those salaries in order for the forensic laboratory to maintain adequate staffing to curtail the case backlog.

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