

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2149

BY DELEGATE CAPUTO AND ISNER

[Introduced February 8,2017; Referred
to the Committee on Veterans' Affairs and Homeland
Security then Finance.]

1 A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as
2 amended, all relating to maintaining a minimum of eight hundred state troopers by July 1,
3 2018; and increasing the salary increase received at the end of two years of service with
4 the West Virginia State Police from \$500 to \$580.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-3. State Police structure; how established; training; special revenue account.

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

15 (b) Notwithstanding any other provision of this code to the contrary, the superintendent
16 shall implement a program to increase the number of state troopers in the state to attain and
17 maintain a minimum number of eight hundred state troopers by July 1, 2018.

18 ~~(b)~~ (c) There is hereby created in the State Treasury a special revenue account, which
19 shall be an interest bearing account, to be known as the Academy Training and Professional
20 Development Fund. The special revenue account shall consist of training fees, any appropriations
21 that may be made by the Legislature, income from the investment of moneys held in the special
22 revenue account and all other sums available for deposit to the special revenue account from any
23 source, public or private. No expenditures, for purposes of this section, are authorized from
24 collections except in accordance with the provisions of article three, chapter twelve of this code
25 and upon fulfillment of the provisions set forth in article two, chapter eleven-b of this code. Any
26 balance remaining in the special revenue account at the end of any state fiscal year does not
27 revert to the General Revenue Fund but remains in the special revenue account and shall be
28 used solely in a manner consistent with this article. The superintendent is authorized to expend
29 funds from the account to offset operational and training costs; for building maintenance and
30 repair; for purchases and for equipment repair or replacement for the West Virginia State Police
31 Academy; and to defray necessary expenses incidental to those and other activities associated
32 with law-enforcement training.

33 ~~(c)~~ (d) There is hereby created in the State Treasury a special revenue account, which is
34 an interest bearing account, to be known as the State Police 100th Anniversary Fund. The special
35 revenue account shall consist of merchandise sales, any appropriations that may be made by the
36 Legislature, income from the investment of moneys held in the special revenue account and all
37 other sums available for deposit to the special revenue account from any source, public or private.
38 No expenditures for purposes of this section are authorized from collections except in accordance
39 with the provisions of article three, chapter twelve of this code and upon fulfillment of the
40 provisions set forth in article two, chapter eleven-b of this code. Any balance remaining in the
41 special revenue account at the end of any state fiscal year does not revert to the General Revenue
42 Fund but remains in the special revenue account and shall be used solely in a manner consistent
43 with this article. The superintendent is authorized to expend funds from the account to offset costs
44 for the 100th anniversary celebration; for purchasing 100th anniversary commemorative

45 merchandise, equipment and vehicles; and to defray necessary expenses incidental to those and
46 other activities associated with the 100th anniversary of the West Virginia State Police. This fund
47 expires on December 31, 2019 and remaining funds shall be transferred to the Academy Training
48 and Professional Development Fund.

49 ~~(d)~~ (e) The superintendent may hold training classes for certification to access and use
50 the West Virginia Automated Police Network (WEAPON) for a reasonable daily fee per student
51 not to exceed \$100.

52 ~~(e)~~ (f) There is hereby created in the State Treasury a special revenue account, which is
53 an interest bearing account, to be known as the West Virginia State Police Criminal Justice
54 Information Services Fund. The special revenue account shall consist of: Fees collected for
55 training and certification for access to the West Virginia Automated Police Network (WEAPON)
56 system; any appropriations that may be made by the Legislature; income from the investment of
57 moneys held in the special revenue account; and all other sums available for deposit to the special
58 revenue account from any source, public or private. Any balance remaining in the special revenue
59 account at the end of any state fiscal year does not revert to the General Revenue Fund but
60 remains in the special revenue account and may be used solely in a manner consistent with this
61 article. The superintendent is authorized to expend funds from the account for the following
62 purposes: To offset operational and training costs; for building maintenance and repair; for
63 purchases and for equipment repair; personal services; software; other associated maintenance
64 costs; and to defray necessary expenses incidental to those and other activities associated with
65 the communications section of the 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.**

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.

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

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

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

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

18 **SUPERVISORY AND NONSUPERVISORY RANKS**

19	Cadet During Training.....	\$2,833Mo.	\$ 33,994
20	Cadet Trooper After Training	\$ 3,438 Mo.	\$ 41,258
21	Trooper Second Year		\$42,266
22	Trooper Third Year		\$42,649
23	Senior Trooper		\$43,048
24	Trooper First Class		\$43,654
25	Corporal		\$44,260
26	Sergeant.....		\$48,561
27	First Sergeant.....		\$50,712
28	Second Lieutenant		\$52,862
29	First Lieutenant.....		\$55,013

30	Captain.....	\$57,164
31	Major	\$59,314
32	Lieutenant Colonel	\$61,465

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I	42,266
36	II	43,048
37	III	43,654
38	IV	44,260
39	V	48,561
40	VI	50,712
41	VII	52,862
42	VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

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

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

56 (e) Each member of the West Virginia State Police whose salary is fixed and specified
57 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
58 subsection (d) of this section for grade in rank, based on length of service, including that service
59 served before and after the effective date of this section with the West Virginia State Police as
60 follows: Beginning on January 1, 2015, and continuing thereafter, at the end of two years of
61 service with the West Virginia State Police, the member shall receive a salary increase of ~~\$500~~
62 \$580 to be effective during his or her next year of service and a like increase at yearly intervals
63 thereafter, with the increases to be cumulative.

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

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

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

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

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

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

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

102 (j) Any member of the West Virginia State Police who is called to perform active duty
103 training or inactive duty training in the National Guard or any reserve component of the Armed
104 Forces of the United States annually shall be granted, upon request, leave time not to exceed
105 thirty calendar days for the purpose of performing the active duty training or inactive duty training
106 and the time granted may not be deducted from any leave accumulated as a member of the West
107 Virginia 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 a heading or the present law and underscoring indicates new language that would be added.