

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 419

FISCAL
NOTE

BY SENATORS BOLEY, RUCKER, CLINE, AND BOSO

[Introduced January 30, 2018; Referred
to the Committee on Government Organization; and then
to the Committee on Finance]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
 2 to establishing the classification and base salaries of certain civilian employees of the
 3 West Virginia State Police Forensic Laboratory as evidence technicians, forensic
 4 technicians, forensic analysts, and forensic analyst supervisors; authorizing the
 5 superintendent to appoint a forensic laboratory director and set the director's salary;
 6 requiring manuals to be provided; and authorizing the inclusion of certain exempt civilian
 7 employees in supplemental pay option.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. 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; 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 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and
 12 independent review of any system developed under the provisions of this section.

13 (c) The superintendent shall provide to each member a written manual governing any
 14 system established under the provisions of this section and specific procedures shall be identified

15 for the evaluation and testing of members for promotion or reclassification and the subsequent
 16 placement of any members on a promotional eligibility or reclassification recommendation list.
 17 The superintendent shall provide to each evidence technician, forensic technician, forensic
 18 analyst, and forensic analyst supervisor a written manual governing the reclassification process
 19 within the West Virginia State Police Forensic Laboratory.

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

22 ANNUAL SALARY SCHEDULE (BASE PAY)

23 SUPERVISORY AND NONSUPERVISORY RANKS

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

38 ANNUAL SALARY SCHEDULE (BASE PAY)

39 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

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

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

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

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

61 (e) Beginning on July 1, 2018, the superintendent shall appoint the position of forensic
62 laboratory director or administrator and set the salary. The civilian evidence technicians, forensic
63 technicians, forensic analysts, and forensic analyst’s supervisors the West Virginia State Police
64 shall receive annual salaries as follows:

65 ANNUAL SALARY SCHEDULE (BASE PAY)

66 Evidence Technician

67	I	\$33,280
68	II	\$36,608
69	III	\$40,269
70	IV	\$44,296

71 ANNUAL SALARY SCHEDULE (BASE PAY)

72 Forensic Technician

73	I	\$38,480
74	II	\$41,174
75	III	\$44,056
76	IV	\$47,140

77 ANNUAL SALARY SCHEDULE (BASE PAY)

78 Forensic Analyst

79	I	\$43,680
80	II	\$45,864
81	III	\$49,075
82	IV	\$53,983
83	V	\$57,762
84	VI	\$61,806

85 ANNUAL SALARY SCHEDULE (BASE PAY)

86 Forensic Analyst Supervisor

87	I	\$59,382
88	II	\$63,539
89	III	\$67,987

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

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

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

102 ~~(g)~~ (h) Civilian employees of the West Virginia State Police whose salary is fixed and
103 specified pursuant to this section shall receive, and are entitled to, an increase in salary over that
104 set forth in subsection (e) of this section as provided in §15-2-7(i) of this code.

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

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

115 The authority of the superintendent to propose a legislative rule or amendment thereto for
116 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours
117 which constitute the standard pay period for the members of the West Virginia State Police is
118 hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for

119 receipt of a portion or all of supplemental payment when hours are worked in excess of the
120 standard pay period. The superintendent shall certify at least twice per month to the West Virginia
121 State Police's payroll officer the names of those members who have worked in excess of the
122 standard pay period and the amount of their entitlement to supplemental payment. The
123 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian
124 employees of the West Virginia State Police are not eligible for any supplemental payments,
125 excluding certain exempt civilian personnel with fixed salaries.

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

131 ~~(i)~~ (k) In consideration for compensation paid by the West Virginia State Police to its
132 members during those members' participation in the West Virginia State Police Cadet Training
133 Program pursuant to §30-29-8 of this code, the West Virginia State Police may require of its
134 members by written agreement entered into with each of them in advance of such participation in
135 the program that, if a member should voluntarily discontinue employment any time within one year
136 immediately following completion of the training program, he or she shall be obligated to pay to
137 the West Virginia State Police a pro rata portion of such compensation equal to that part of such
138 year which the member has chosen not to remain in the employ of the West Virginia State Police.

139 ~~(j)~~ (l) Any member of the West Virginia State Police who is called to perform active duty
140 training or inactive duty training in the National Guard or any Reserve component of the armed
141 forces of the United States annually shall be granted, upon request, leave time not to exceed 30
142 calendar days for the purpose of performing the active duty training or inactive duty training and
143 the time granted may not be deducted from any leave accumulated as a member of the West
144 Virginia State Police.

NOTE: The purpose of this bill is to establish the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors. The bill authorizes the superintendent to appoint a forensic laboratory director and set the director's salary. The bill requires manuals to be provided. The bill authorizes the inclusion of certain exempt civilian employees in supplemental pay option.

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