

# **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.