

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4299

**FISCAL
NOTE**

BY DELEGATES PHILLIPS, HOLLEN, CRISS, WHITE, WARD,
MOYE, ROHRBACH, PAYNTER, MAYNARD, MARCUM AND
PACK

[Introduced January 25, 2018; Referred
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 providing a \$2,000 salary increase to West Virginia State Troopers.

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.

8 (b) The superintendent may propose legislative rules for promulgation in accordance with
9 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and
10 independent review of any system developed under the provisions of this section.

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

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

17 ANNUAL SALARY SCHEDULE (BASE PAY)

18 SUPERVISORY AND NONSUPERVISORY RANKS

19 Cadet During Training \$ 33,994

20	Cadet Trooper After Training	\$ 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
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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 service
 61 with the West Virginia State Police, the member shall receive a salary increase of \$500 to be
 62 effective during his or her next year of service and a like increase at yearly intervals thereafter,
 63 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 §29A-3-1 *et seq.* of this code to establish the number of hours
80 which constitute the standard pay period for the members of the West Virginia State Police is
81 hereby continued. The rule shall further establish, on a graduated hourly basis, the criteria for
82 receipt of a portion or all of supplemental payment when hours are worked in excess of the
83 standard pay period. The superintendent shall certify at least twice per month to the West Virginia
84 State Police's payroll officer the names of those members who have worked in excess of the
85 standard pay period and the amount of their entitlement to supplemental payment. The
86 supplemental payment may not exceed \$200 per pay period. 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 §30-29-8 of this code, the West Virginia State Police may require of its members by
96 written agreement entered into with each of them in advance of such participation in the program
97 that, if a member should voluntarily discontinue employment any time within one year immediately

98 following completion of the training program, he or she shall be obligated to pay to the West
99 Virginia State Police a pro rata portion of such compensation equal to that part of such year which
100 the member has chosen not to remain in the employ of the West Virginia State Police.

101 (j) Any member of the West Virginia State Police who is called to perform active duty
102 training or inactive duty training in the National Guard or any reserve component of the armed
103 forces of the United States annually shall be granted, upon request, leave time not to exceed 30
104 calendar days for the purpose of performing the active duty training or inactive duty training and
105 the time granted may not be deducted from any leave accumulated as a member of the West
106 Virginia State Police.

107 (k) In addition to all other compensation permitted by this section, beginning July 1, 2018,
108 all West Virginia State Troopers who are identified as Trooper Second Year and above shall
109 receive an annual salary increase of \$2,000.

NOTE: The purpose of this bill is to provide a \$2,000 salary increase to West Virginia State Troopers.

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