

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Senate Bill 544

BY SENATORS HAMILTON, CARMICHAEL (MR. PRESIDENT),
AZINGER, BALDWIN, BEACH, BLAIR, BOLEY, CLEMENTS,
CLINE, FACEMIRE, HARDESTY, IHLENFELD, JEFFRIES,
LINDSAY, MANN, MARONEY, MAYNARD, PALUMBO,
PLYMALE, PREZIOSO, ROBERTS, ROMANO, RUCKER,
SMITH, STOLLINGS, SWOPE, SYPOLT, TAKUBO, TARR,
TRUMP, UNGER, WELD, WOELFEL, AND BOSO

[Passed March 9, 2019; to take effect July 1, 2019]

1 AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
2 to increasing salaries for members of the West Virginia State Police.

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, 2019, 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 \$ 38,524

20	Cadet Trooper After Training	45,784
21	Trooper Second Year	46,796
22	Trooper Third Year	47,179
23	Senior Trooper	47,578
24	Trooper First Class	48,184
25	Corporal	48,790
26	Sergeant.....	53,091
27	First Sergeant.....	55,242
28	Second Lieutenant	57,392
29	First Lieutenant.....	59,543
30	Captain.....	61,694
31	Major	63,844
32	Lieutenant Colonel	65,995

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I	46,796
36	II	47,578
37	III	48,184
38	IV	48,790
39	V	53,091
40	VI	55,242
41	VII	57,392
42	VIII	59,543

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

45	I	46,796
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46	II	47,578
47	III	48,184
48	IV	48,790
49	V	53,091
50	VI	55,242
51	VII	57,392
52	VIII	59,543

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 §15-2-5(e) of this
55 code and supplemental pay as provided in §15-2-5(g) of this code.

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 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served
59 before and after the effective date of this section with the West Virginia State Police as follows:
60 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with
61 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective
62 during his or her next year of service and a like increase at yearly intervals thereafter, with the
63 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 per month which constitute the standard pay period for the members of the West Virginia State
81 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
82 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
83 of the standard pay period. The superintendent shall certify at least twice per month to the West
84 Virginia State Police's payroll officer the names of those members who have worked in excess of
85 the 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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2019.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2019.

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Governor