

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2333**

BY DELEGATE CAPUTO

[Introduced January 11, 2019; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to career progression of members of the State Police; increasing the longevity pay for  
 3 members of the State Police; providing for certain increases in pay if certain educational  
 4 attainment is met by members of the State Police; and adjusting the timing of certain salary  
 5 changes.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. WEST VIRGINIA STATE POLICE.**

**§15-2-5. Career progression system; salaries; exclusion from wage 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 as follows:

**ANNUAL SALARY SCHEDULE (BASE PAY)**

17 **SUPERVISORY AND NONSUPERVISORY RANKS**

|    |                                   |              |           |
|----|-----------------------------------|--------------|-----------|
| 18 | Cadet During Training.....        | \$ 2,833 Mo. | \$ 33,994 |
| 19 | Cadet Trooper After Training..... | \$ 3,438 Mo. | \$ 41,258 |
| 20 | Trooper Second Year.....          |              | 42,266    |
| 21 | Trooper Third Year.....           |              | 42,649    |
| 22 | Senior Trooper .....              |              | 43,048    |
| 23 | Trooper First Class .....         |              | 43,654    |
| 24 | Corporal.....                     |              | 44,260    |
| 25 | Sergeant .....                    |              | 48,561    |
| 26 | First Sergeant .....              |              | 50,712    |
| 27 | Second Lieutenant .....           |              | 52,862    |
| 28 | First Lieutenant .....            |              | 55,013    |
| 29 | Captain .....                     |              | 57,164    |
| 30 | Major.....                        |              | 59,314    |
| 31 | Lieutenant Colonel .....          |              | 61,465    |

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

33 **ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION**

|    |            |        |
|----|------------|--------|
| 34 | I .....    | 42,266 |
| 35 | II .....   | 43,048 |
| 36 | III.....   | 43,654 |
| 37 | IV .....   | 44,260 |
| 38 | V .....    | 48,561 |
| 39 | VI .....   | 50,712 |
| 40 | VII .....  | 52,862 |
| 41 | VIII ..... | 55,013 |

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

43 **CRIMINALIST CLASSIFICATION**

44 I .....42,266

45 II .....43,048

46 III.....43,654

47 IV .....44,260

48 V .....48,561

49 VI .....50,712

50 VII .....52,862

51 VIII .....55,013

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

55 (e) Each member of the West Virginia State Police whose salary is fixed and specified  
 56 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
 57 subsection (d) of this section for grade in rank, based on length of service, including that service  
 58 served before and after the effective date of this section with the West Virginia State Police as  
 59 follows: Beginning on ~~January 1, 2015~~ July 1, 2019, and continuing thereafter, at the end of two  
 60 years of service with the West Virginia State Police, the member shall receive a salary increase  
 61 of ~~\$500~~ \$800 to be effective during his or her next year of service and a like increase at yearly  
 62 intervals thereafter, with the increases to be cumulative. Members who obtain a college degree  
 63 shall receive an additional salary increase based upon educational attainment as follows:  
 64 Bachelor's degree \$200 per year, master's degree \$300 per year, doctorate degree \$400 per  
 65 year, to be effective during his or her next year of service and a like increase at yearly intervals  
 66 thereafter, with the increases to be cumulative. However, members who currently hold a college  
 67 degree shall receive an additional salary increase based upon educational attainment as follows:  
 68 Bachelor's degree \$200 per year, master's degree \$300 per year, doctorate degree \$400 per

69 year, to be effective on his or her next anniversary date and a like increase at yearly intervals  
70 thereafter, with the increases to be cumulative.

71 (f) Each member of the West Virginia State Police who obtains a college degree at the  
72 bachelors, masters or doctorate degree shall receive a one-time \$1,500 educational incentive  
73 payment upon completion of the degree. Members currently having a college degree shall receive  
74 the one-time payment with the last pay period of the month following the effective date of the  
75 amendment and reenactment of this section.

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

80 ~~(g)~~ (h) The Legislature finds and declares that because of the unique duties of members  
81 of the West Virginia State Police, it is not appropriate to apply the provisions of state wage and  
82 hour laws to them. Accordingly, members of the West Virginia State Police are excluded from  
83 the provisions of state wage and hour law. This express exclusion ~~shall~~ may not be construed as  
84 any indication that the members were or were not covered by the wage and hour law prior to this  
85 exclusion.

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

90 The authority of the superintendent to propose a legislative rule or amendment thereto for  
91 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours  
92 per month which constitute the standard work month for the members of the West Virginia State  
93 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the  
94 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess

95 of the standard work month. The superintendent shall certify monthly to the West Virginia State  
96 Police's payroll officer the names of those members who have worked in excess of the standard  
97 work month and the amount of their entitlement to supplemental payment. The supplemental  
98 payment may not exceed \$400 monthly. The superintendent and civilian employees of the West  
99 Virginia State Police are not eligible for any supplemental payments.

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

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

113 ~~(j)~~ (k) Any member of the West Virginia State Police who is called to perform active duty  
114 training or inactive duty training in the National Guard or any reserve component of the Armed  
115 Forces of the United States annually shall be granted, upon request, leave time not to exceed  
116 thirty calendar days for the purpose of performing the active duty training or inactive duty training  
117 and the time granted may not be deducted from any leave accumulated as a member of the West  
118 Virginia State Police.

NOTE: The purpose of this bill is to increase the longevity pay for members of the State

Police. The bill provides for certain increases in pay if certain educational attainment is met by members of the State Police. The bill adjusts the timing of certain salary changes.

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