

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 599

FISCAL
NOTE

BY SENATORS IHLENFELD, BALDWIN, HAMILTON, BEACH,
CAPUTO, STOLLINGS, WOELFEL, MARONEY, LINDSAY,
ROMANO, GRADY, AND UNGER

[Introduced March 8, 2021; 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 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
9 with §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:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

19 Cadet During Training~~\$38,524~~ \$41,024

20	Cadet Trooper After Training	\$45,784	<u>48,284</u>
21	Trooper Second Year	46,796	<u>49,296</u>
22	Trooper Third Year	47,179	<u>49,679</u>
23	Senior Trooper	47,578	<u>50,078</u>
24	Trooper First Class	48,184	<u>50,684</u>
25	Corporal	48,790	<u>51,290</u>
26	Sergeant	53,091	<u>55,591</u>
27	First Sergeant	55,242	<u>57,742</u>
28	Second Lieutenant	57,329	<u>59,892</u>
29	First Lieutenant	59,543	<u>62,043</u>
30	Captain	61,694	<u>64,194</u>
31	Major	63,844	<u>66,344</u>
32	Lieutenant Colonel	65,995	<u>68,495</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I	46,796	<u>49,296</u>
36	II	47,578	<u>50,078</u>
37	III	48,184	<u>50,684</u>
38	IV	48,790	<u>51,290</u>
39	V	53,091	<u>55,591</u>
40	VI	55,242	<u>57,742</u>
41	VII	57,392	<u>59,892</u>
42	VIII	59,543	<u>62,043</u>

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

45	I	46,796	<u>49,296</u>
----	---------	--------	---------------

46	II	47,578	<u>50,078</u>
47	III	48,184	<u>50,684</u>
48	IV	48,790	<u>51,290</u>
49	V	53,091	<u>55,591</u>
50	VI	55,242	<u>57,742</u>
51	VII	57,392	<u>59,892</u>
52	VIII	59,543	<u>62,043</u>

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
 58 in §15-2-5(d) of this code 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 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 §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.

NOTE: The purpose of this bill is to increase the pay of the West Virginia State Police and its personnel by \$2,000.

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