

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 613

BY SENATORS WELD, LINDSAY, AND WOODRUM

[Introduced March 10, 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 and §15-2-7 of the Code of West Virginia, 1931, as
2 amended, all relating to adding the classification and base salaries of certain civilian
3 employees of the West Virginia State Police Forensic Laboratory as Evidence Custodians
4 I-IV, Forensic Technicians I-III, Forensic Scientists I-VI, and Forensic Scientist
5 Supervisors I-IV; authorizing the superintendent to appoint a forensic laboratory director;
6 and authorizing the inclusion of certain exempt civilian employees in supplemental pay
7 option.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA POLICE.

§15-2-5. Career progression system state; 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. The promotion of individuals in the forensic laboratory shall include the
8 classifications of Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI,
9 and Forensic Scientist Supervisors I-IV based on Forensic Lab Career Progression system.

10 (b) The superintendent may propose legislative rules for promulgation in accordance with
11 §29A-3-1 et seq. of this code for the purpose of ensuring consistency, predictability, and
12 independent review of any system developed under the provisions of this section.

13 (c) The superintendent shall provide to each member a written manual governing any
14 system established under the provisions of this section and specific procedures shall be identified

15 for the evaluation and testing of members for promotion or reclassification and the subsequent
 16 placement of any members on a promotional eligibility or reclassification recommendation list. A
 17 written manual shall also be provided to individuals within the forensic laboratory governing any
 18 system established under the provisions of this section and specific procedures shall be identified
 19 for the evaluation of promotion or reclassification.

20 (d) Beginning on July 1, 2019, members shall receive annual salaries payable at least
 21 twice per month as follows:

22 ANNUAL SALARY SCHEDULE (BASE PAY)

23 SUPERVISORY AND NONSUPERVISORY RANKS

24 Cadet During Training \$ 38,524

25 Cadet Trooper After Training ... 45,784

26 Trooper Second Year ...46,796

27 Trooper Third Year ...47,179

28 Senior Trooper ...47,578

29 Trooper First Class ...48,184

30 Corporal ...48,790

31 Sergeant ...53,091

32 First Sergeant ...55,242

33 Second Lieutenant ...57,392

34 First Lieutenant ...59,543

35 Captain ...61,694

36 Major ...63,844

37 Lieutenant Colonel ...65,995

38 ANNUAL SALARY SCHEDULE (BASE PAY)

39 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

40 I 46,796

- 41 II 47,578
- 42 III 48,184
- 43 IV 48,790
- 44 V 53,091
- 45 VI 55,242
- 46 VII 57,392
- 47 VIII 59,543

48 Beginning on July 1, 2021, designated individuals within the forensic laboratory shall
49 receive annual base salaries payable at least twice per month as follows:

50 ANNUAL SALARY SCHEDULE (BASE PAY)

51 ~~CRIMINALIST CLASSIFICATION~~

- 52 ~~I 46,796~~
- 53 ~~II 47,578~~
- 54 ~~III 48,184~~
- 55 ~~IV 48,790~~
- 56 ~~V 53,091~~
- 57 ~~VI 55,242~~
- 58 ~~VII 57,392~~
- 59 ~~VIII 59,543~~

60 EVIDENCE CUSTODIAN

- 61 I 35,650
- 62 II 37,978
- 63 III 41,639
- 64 IV 44,666

65 FORENSIC TECHNICIAN

- 66 I 37,850

67 II 39,544

68 III 43,426

69 FORENSIC SCIENTIST

70 I 45,050

71 II 47,234

72 III 49,338

73 IV 51,737

74 V 55,263

75 VI 59,063

76 FORENSIC SCIENTIST SUPERVISOR

77 I 61,762

78 II 65,326

79 III 69,104

80 IV 73,108

81 Each member of the West Virginia State Police whose salary is fixed and specified in this
82 annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this
83 code and supplemental pay as provided in §15-2-5(g) of this code.

84 (e) Each member of the West Virginia State Police whose salary is fixed and specified
85 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
86 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served
87 before and after the effective date of this section with the West Virginia State Police as follows:
88 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with
89 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective
90 during his or her next year of service and a like increase at yearly intervals thereafter, with the
91 increases to be cumulative. The forensic laboratory employees whose salaries are fixed and
92 specified to this section, and is entitled to, an increase in salary over that set forth in §15-2-5(d)

93 of this code, shall be applied in accordance with §15-2-7(i) of this code.

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

98 (g) The Legislature finds and declares that because of the unique duties of members of
99 the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour
100 laws to them. Accordingly, members of the West Virginia State Police are excluded from the
101 provisions of state wage and hour law. This express exclusion shall not be construed as any
102 indication that the members were or were not covered by the wage and hour law prior to this
103 exclusion.

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

108 The authority of the superintendent to propose a legislative rule or amendment thereto for
109 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours
110 per month which constitute the standard pay period for the members of the West Virginia State
111 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
112 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
113 of the standard pay period. The superintendent shall certify at least twice per month to the West
114 Virginia State Police" payroll officer the names of those members who have worked in excess of
115 the standard pay period and the amount of their entitlement to supplemental payment. The
116 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian
117 employees of the West Virginia State Police are not eligible for any supplemental payments.

118 (h) Each member of the West Virginia State Police, except the superintendent and civilian

119 employees, shall execute, before entering upon the discharge of his or her duties, a bond with
120 security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful
121 performance of his or her duties, and the bond shall be approved as to form by the Attorney
122 General and as to sufficiency by the Governor.

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

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

**§15-2-7. Cadet selection board; qualifications for and appointment to membership in State
Police; civilian employees; forensic laboratory employees; salaries.**

1 (a) The superintendent shall establish within the West Virginia State Police a cadet
2 selection board which shall be representative of commissioned and noncommissioned officers
3 within the State Police.

4 (b) The superintendent shall appoint a member to the position of trooper from among the
5 top three names on the current list of eligible applicants established by the cadet selection board.

6 (c) Preference in making appointments shall be given whenever possible to honorably

7 discharged members of the armed forces of the United States and to residents of West Virginia.
8 Each applicant for appointment shall be a person not less than twenty-one years of age nor more
9 than thirty-nine years of age, of sound constitution and good moral character and is required to
10 pass any mental and physical examination and meet other requirements as provided in rules
11 promulgated by the cadet selection board: *Provided*, That a former member may, at the discretion
12 of the superintendent, be reenlisted.

13 (d) No person may be barred from becoming a member of the State Police because of his
14 or her religious or political convictions.

15 (e) The superintendent shall adhere to the principles of equal employment opportunity set
16 forth in article eleven, chapter five of this code and shall take positive steps to encourage
17 applications for State Police membership from females and minority groups within the state. An
18 annual report shall be filed with the Legislature on or before January 1 of each year by the
19 superintendent which includes a summary of the efforts and the effectiveness of those efforts
20 intended to recruit females, African-Americans and other minorities into the ranks of the State
21 Police.

22 (f) Except for the superintendent, no person may be appointed or enlisted to membership
23 in the State Police at a grade or rank above the grade of trooper.

24 (g) The superintendent shall appoint civilian employees as are necessary and all
25 employees may be included in the classified service of the civil service system except those in
26 positions exempt under the provisions of article six, chapter twenty-nine of this code.

27 (h) Effective July 1, 2001, through June 30, 2014, civilian employees with a minimum of
28 five years' service shall receive a salary increase equal to \$100 a year for each year of service
29 as a civilian employee. Every three years thereafter, civilian employees who have five or more
30 years of service shall receive an annual salary increase of \$300. The increases in salary provided
31 by this subsection are in addition to any other increases to which the civilian employees might
32 otherwise be entitled. After June 30, 2014, the provisions of this subsection are not operative.

33 (i) After June 30, 2014, West Virginia State Police civilian employees with a minimum of
34 one year service shall receive an annual longevity salary increase equal to \$500. The increases
35 in salary provided by this subsection are in addition to any other increases to which the civilian
36 employees might otherwise be entitled.

37 (j) Effective July 1, 2014, all current West Virginia State Police Forensic Laboratory
38 analysts, directors and evidence technicians shall receive a one-time, across-the-board salary
39 increase equal to twenty percent of their current salary.

40 (k) On or before January 1, 2018, the Director of the West Virginia State Police Forensic
41 Laboratory shall submit a report to the Joint Committee on Government and Finance detailing the
42 West Virginia State Police Forensic Laboratory's ability to retain employees.

43 (l) Effective July 1, 2021, the West Virginia State Police Forensic Laboratory Evidence
44 Custodians, Forensic Technicians, Forensic Scientist and Forensic Scientist Supervisors salaries
shall be set forth in §15-2-5(d) of this code.

NOTE: The purpose of this bill is to remove the classification of Criminalist and replace with new classifications of Evidence Custodian, Forensic Technician, Forensic Scientist and Forensic Scientist in WVSPFL Career Progression.

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