

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 613**

BY SENATORS WELD, LINDSAY, WOODRUM, BALDWIN,

AND STOLLINGS

[Passed April 9, 2021; to take effect July 1, 2021]



1 AN ACT 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; providing for promotion based upon the Forensic Lab Career  
6 Progression System; directing that a written manual be provided to individuals within the  
7 forensic laboratory governing certain established systems and that specific procedures  
8 must be identified for the evaluation of promotion or reclassification of those individuals;  
9 and providing for the inclusion of these civilian employees in longevity salary increase  
10 provisions.

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

## **ARTICLE 2. WEST VIRGINIA POLICE.**

### **§15-2-5. Career progression system state; salaries; exclusion from wage and hour laws, 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: (1) The promotion of members to the supervisory ranks of sergeant, first sergeant,  
3 second lieutenant, and first lieutenant; (2) the classification of nonsupervisory members within the  
4 field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; and  
5 (3) the temporary reclassification of members assigned to administrative duties as administrative  
6 support specialist I-VIII. The promotion of individuals in the forensic laboratory shall include the  
7 classifications of Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI,  
8 and Forensic Scientist Supervisors I-IV, based on the Forensic Lab Career Progression System.

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

12 (c) The superintendent shall provide to each member a written manual governing any  
13 system established under the provisions of this section and specific procedures shall be identified  
14 for the evaluation and testing of members for promotion or reclassification and the subsequent  
15 placement of any members on a promotional eligibility or reclassification recommendation list. A  
16 written manual shall also be provided to individuals within the forensic laboratory governing any  
17 system established under the provisions of this section and specific procedures shall be identified  
18 for the evaluation of promotion or reclassification of those individuals.

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

21 ANNUAL SALARY SCHEDULE (BASE PAY)  
22 SUPERVISORY AND NONSUPERVISORY RANKS

23	Cadet During Training .....	\$ 38,524
24	Cadet Trooper After Training .....	45,784
25	Trooper Second Year .....	46,796
26	Trooper Third Year .....	47,179
27	Senior Trooper .....	47,578
28	Trooper First Class .....	48,184
29	Corporal .....	48,790
30	Sergeant .....	53,091
31	First Sergeant .....	55,242
32	Second Lieutenant .....	57,392
33	First Lieutenant .....	59,543
34	Captain .....	61,694
35	Major .....	63,844
36	Lieutenant Colonel .....	65,995

37 ANNUAL SALARY SCHEDULE (BASE PAY)

38 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

39	I .....	\$46,796
40	II .....	47,578
41	III .....	48,184
42	IV .....	48,790
43	V .....	53,091
44	VI .....	55,242
45	VII .....	57,392
46	VIII .....	59,543

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

49 ANNUAL SALARY SCHEDULE (BASE PAY)

50 EVIDENCE CUSTODIAN

51	I .....	\$35,650
52	II .....	37,978
53	III .....	41,639
54	IV .....	44,666

55 FORENSIC TECHNICIAN

56	I .....	\$37,850
57	II .....	39,544
58	III .....	43,426

59 FORENSIC SCIENTIST

60	I .....	\$45,050
61	II .....	47,234
62	III .....	49,338

63	IV .....	51,737
64	V .....	55,263
65	VI .....	59,063

66 FORENSIC SCIENTIST SUPERVISOR

67	I .....	\$61,762
68	II .....	65,326
69	III .....	69,104
70	IV .....	73,108

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

74 (e) Each member of the West Virginia State Police whose salary is fixed and specified  
75 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
76 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served  
77 before and after the effective date of this section with the West Virginia State Police as follows:  
78 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with  
79 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective  
80 during his or her next year of service and a like increase at yearly intervals thereafter, with the  
81 increases to be cumulative. The forensic laboratory employees whose salaries are fixed and  
82 specified pursuant to this section, shall receive, and are entitled to, an increase in salary over that  
83 set forth in §15-2-5(d) of this code, in accordance with §15-2-7(h) of this code.

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

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

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

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

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

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

121 (j) Any member of the West Virginia State Police who is called to perform active duty  
122 training or inactive duty training in the National Guard or any reserve component of the armed  
123 forces of the United States annually shall be granted, upon request, leave time not to exceed 30  
124 calendar days for the purpose of performing the active duty training or inactive duty training and  
125 the time granted may not be deducted from any leave accumulated as a member of the West  
126 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 21 years of age nor more than 39  
9 years of age, of sound constitution and good moral character, and is required to pass any mental  
10 and physical examination and meet other requirements as provided in rules promulgated by the



11 cadet selection board: *Provided*, That a former member may, at the discretion of the  
12 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 §5-11-1 *et seq.* of this code and shall take positive steps to encourage applications for  
17 State Police membership from females and minority groups within the state. An annual report  
18 shall be filed with the Legislature on or before January 1 of each year by the superintendent which  
19 includes a summary of the efforts and the effectiveness of those efforts intended to recruit  
20 females, African-Americans, and other minorities into the ranks of the State Police.

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

23 (g) The superintendent shall appoint civilian employees as are necessary and all  
24 employees may be included in the classified service of the civil service system except those in  
25 positions exempt under the provisions of §29-6-1 *et seq.* of this code.

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

30 (i) Effective July 1, 2014, all current West Virginia State Police Forensic Laboratory  
31 analysts, directors, and evidence technicians shall receive a one-time, across-the-board salary  
32 increase equal to 20 percent of their current salary.

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

36           (k) Effective July 1, 2021, the salaries of West Virginia State Police Forensic Laboratory  
37 Evidence Custodians, Forensic Technicians, Forensic Scientists, and Forensic Scientist  
38 Supervisors shall be as set forth in the provisions of §15-2-5(d) of this code.

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, 2021.

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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*

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The within ..... this the.....  
Day of ....., 2021.

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*Governor*