WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
SENATE BILL NO. 485

(By Mr. [Signature]
[Name], President)

PASSED March 12, 1978

In Effect July 1, 1978
ENROLLED

Senate Bill No. 485
(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 12, 1978; in effect July 1, 1978.]

AN ACT to amend and reenact section five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing salaries of members of the department of public safety; excluding members from wage and hour law; setting forth legislative findings relating to such exclusion; providing for supplemental pay in lieu of overtime; and requiring rule or regulation setting forth eligibility for supplemental pay.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-5. Salaries; exclusion from wage and hour law; bond; leave time for members called to duty in guard or reserves.

1 Members of the department shall receive annual salaries pursuant to appropriation by the Legislature, payable at least monthly as follows:

2 Any lieutenant colonel shall receive an annual salary of twenty thousand five hundred eighty dollars; any major shall receive an annual salary of eighteen thousand six hundred twenty-four dollars; any captain shall receive an annual salary of seventeen thousand one hundred twenty-four dollars; any lieutenant shall receive an annual salary of sixteen thousand eighty dollars; any master sergeant or first sergeant shall receive an annual salary of fifteen thousand eighty-four dollars; any sergeant shall receive an annual salary of fourteen thousand three hun-
dred fifty-two dollars; any corporal shall receive an annual salary of thirteen thousand five hundred eighty-four dollars; any trooper first class shall receive an annual salary of twelve thousand seven hundred fifty-six dollars; and any newly enlisted trooper shall receive a salary of nine hundred twenty-three dollars monthly during the period of his basic training, and upon the satisfactory completion of such training and assignment to active duty each such trooper shall receive, during the remainder of his first year's service, a salary of nine hundred ninety-eight dollars monthly. During the second year of his service in the department each trooper shall receive an annual salary of twelve thousand two hundred fifty-two dollars; during the third year of his service each such trooper shall receive an annual salary of twelve thousand four hundred thirty-two dollars; and during the fourth year and fifth year of such trooper's service and for each year thereafter he shall receive an annual salary of twelve thousand six hundred dollars. Each member of the department whose salary is specified herein shall receive and be entitled to an increase in salary over that hereinbefore set forth, for grade in rank, based on length of service, including that heretofore and hereafter served with the department as follows: At the end of five years of service with the department, such member shall receive a salary increase of three hundred dollars to be effective during his next three years of service and a like increase at three-year intervals thereafter, with such increases to be cumulative.

In applying the foregoing salary schedule where salary increases are provided for length of service, members of the department in service at the time this article becomes effective shall be given credit for prior service and shall be paid such salaries as the same length of service will entitle them to receive under the provisions hereof.

The Legislature finds and declares that there is litigation pending in the circuit court of Kanawha County on the question whether members of the department of public safety are covered by the provisions of the state wage and hour law, article five-c, chapter twenty-one of this code. The Legislature further finds and declares that be-
cause of the unique duties of members of the department,
it is not appropriate to apply said wage and hour provi-
sions to them. Accordingly, members of the department of
public safety are hereby excluded from the provisions of
said wage and hour law. The express exclusion hereby
enacted shall not be construed as any indication that such
members were or were not heretofore covered by said
wage and hour law.

In lieu of any overtime pay they might otherwise have
received under the wage and hour law, and in addition to
their salaries and increases for length of service, mem-
ers who have completed basic training may receive
supplemental pay as hereinafter provided.

The superintendent shall, within thirty days after the
effective date hereof, promulgate a rule or regulation to
establish the number of hours per month which shall
constitute the standard work month for the members of
the department. Such rule or regulation shall further
establish, on a graduated hourly basis, the criteria for
receipt of a portion or all of such supplemental payment
when hours are worked in excess of said standard work
month. Such rule or regulation shall be promulgated
pursuant to the provisions of chapter twenty-nine-a of
the code. The superintendent shall certify monthly to
the department's payroll officer the names of those mem-
ers who have worked in excess of the standard work
month and the amount of their entitlement to supple-
mental payment.

The supplemental payment shall be in an amount equal
to one and one-half percent of the annual salary of a
trooper during his second year of service, not to exceed
one hundred seventy-five dollars monthly. The superin-
tendent and civilian employees of the department shall
not be eligible for any such supplemental payments.

Each member of the department, except the superin-
tendent and civilian employees, shall execute before en-
tering upon the discharge of his duties, a bond with se-
curity in the sum of five thousand dollars payable to the
state of West Virginia, conditioned upon the faithful
performance of his duties, and such bond shall be ap-
proved as to form by the attorney general and to suffi-
ciency by the governor.

Any member of the department who is called to per-
form active duty for training or inactive duty training in
the national guard or any reserve component of the armed
forces of the United States annually shall be granted upon
request leave time not to exceed thirty days for the pur-
pose of performing such active duty for training or in-
active duty training, and the time so granted shall not be
deducted from any leave accumulated as a member of the
department.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence G. Chastain
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. Thomas B.
Clerk of the Senate

(Blank)
Clerk of the House of Delegates

W. J. Brotherton, Jr.
President of the Senate

Donald L. Topp
Speaker House of Delegates

The within ________ this the ________ day of ________, 1978.

John D. Randolph
Governor