

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 485

(By Mr. Brotherton, Jr. President)



PASSED March 12, 1978

In Effect July 1, 1978 ~~Passage~~



116: 1700

# 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 sal-  
2 aries pursuant to appropriation by the Legislature, pay-  
3 able at least monthly as follows:

4 Any lieutenant colonel shall receive an annual salary of  
5 twenty thousand five hundred eighty dollars; any major  
6 shall receive an annual salary of eighteen thousand six  
7 hundred twenty-four dollars; any captain shall receive  
8 an annual salary of seventeen thousand one hundred  
9 twenty-four dollars; any lieutenant shall receive an an-  
10 nual salary of sixteen thousand eighty dollars; any master  
11 sergeant or first sergeant shall receive an annual salary of  
12 fifteen thousand eighty-four dollars; any sergeant shall  
13 receive an annual salary of fourteen thousand three hun-

14 dred fifty-two dollars; any corporal shall receive an an-  
15 nual salary of thirteen thousand five hundred eighty-four  
16 dollars; any trooper first class shall receive an annual  
17 salary of twelve thousand seven hundred fifty-six dollars;  
18 and any newly enlisted trooper shall receive a salary of  
19 nine hundred twenty-three dollars monthly during the  
20 period of his basic training, and upon the satisfactory  
21 completion of such training and assignment to active duty  
22 each such trooper shall receive, during the remainder of  
23 his first year's service, a salary of nine hundred ninety-  
24 eight dollars monthly. During the second year of his ser-  
25 vice in the department each trooper shall receive an an-  
26 nual salary of twelve thousand two hundred fifty-two dol-  
27 lars; during the third year of his service each such trooper  
28 shall receive an annual salary of twelve thousand four  
29 hundred thirty-two dollars; and during the fourth year  
30 and fifth year of such trooper's service and for each year  
31 thereafter he shall receive an annual salary of twelve  
32 thousand six hundred dollars. Each member of the de-  
33 partment whose salary is specified herein shall receive  
34 and be entitled to an increase in salary over that herein-  
35 before set forth, for grade in rank, based on length of  
36 service, including that heretofore and hereafter served  
37 with the department as follows: At the end of five years of  
38 service with the department, such member shall receive  
39 a salary increase of three hundred dollars to be effective  
40 during his next three years of service and a like increase  
41 at three-year intervals thereafter, with such increases to  
42 be cumulative.

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

49 The Legislature finds and declares that there is litiga-  
50 tion pending in the circuit court of Kanawha County on the  
51 question whether members of the department of public  
52 safety are covered by the provisions of the state wage  
53 and hour law, article five-c, chapter twenty-one of this  
54 code. The Legislature further finds and declares that be-

55 cause of the unique duties of members of the department,  
56 it is not appropriate to apply said wage and hour provi-  
57 sions to them. Accordingly, members of the department of  
58 public safety are hereby excluded from the provisions of  
59 said wage and hour law. The express exclusion hereby  
60 enacted shall not be construed as any indication that such  
61 members were or were not heretofore covered by said  
62 wage and hour law.

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

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

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

89 Each member of the department, except the superin-  
90 tendent and civilian employees, shall execute before en-  
91 tering upon the discharge of his duties, a bond with se-  
92 curity in the sum of five thousand dollars payable to the  
93 state of West Virginia, conditioned upon the faithful  
94 performance of his duties, and such bond shall be ap-

95 proved as to form by the attorney general and to suffi-  
96 ciency by the governor.

97 Any member of the department who is called to per-  
98 form active duty for training or inactive duty training in  
99 the national guard or any reserve component of the armed  
100 forces of the United States annually shall be granted upon  
101 request leave time not to exceed thirty days for the pur-  
102 pose of performing such active duty for training or in-  
103 active duty training, and the time so granted shall not be  
104 deducted from any leave accumulated as a member of the  
105 department.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Blair C. Chubb  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. C. Dillon, Jr.  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

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

Donald L. Topp  
Speaker House of Delegates

The within approved this the 30  
day of March, 1978.

John D. Ralston  
Governor



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MAR 22 9 58 AM '78  
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978  
Time 4:15 p.m.

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OFFICE  
SECRETARY OF STATE