WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
Committee Substitute for
HOUSE BILL No. 1381

(By Mr. Speaker, Mr. Lee)

Passed March 6, 1979
In Effect July 1, 1979
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; and providing for clarification of the limits of leave time to be granted to members for duty training in the national guard or the reserve components of the armed forces of the United States.

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 of public safety 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-two thousand twenty dollars; any major shall receive an
annual salary of nineteen thousand nine hundred thirty-two dollars; any captain shall receive an annual salary of eighteen thousand three hundred twenty-four dollars; any lieutenant shall receive an annual salary of seventeen thousand two hundred eight dollars; any master sergeant or first sergeant shall receive an annual salary of sixteen thousand one hundred forty dollars; any sergeant shall receive an annual salary of fifteen thousand three hundred sixty dollars; any corporal shall receive an annual salary of fourteen thousand five hundred thirty-two dollars; any trooper first class shall receive an annual salary of thirteen thousand six hundred fifty-six dollars; and any newly enlisted trooper shall receive a salary of nine hundred eighty-eight 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 one thousand sixty-eight dollars monthly. During the second year of his service in the department each such trooper shall receive an annual salary of thirteen thousand one hundred four dollars; during the third year of his service each such trooper shall receive an annual salary of thirteen thousand three hundred eight 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 thirteen thousand four hundred eighty-eight 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 because of the unique duties of members of the department, it is not appropriate to apply said wage and hour provisions 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, members 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 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 such 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 members who have worked in excess of the standard work month and the amount of their entitlement to supplemental 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 superintendent and civilian employees of the department shall not be eligible for any such supplemental payments.

Each member of the department, except the superintendent
and civilian employees, shall execute, before entering upon the
 discharge of his duties, a bond with security in the sum of
 five thousand dollars payable to the state of West Virginia, con-
 ditioned upon the faithful performance of his duties and such
 bond shall be approved as to form by the attorney general
 and to sufficiency by the governor.

Any member of the department who is called to perform
 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 calendar days for the purpose of
 performing such active duty for training or inactive 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 E. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1979.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _________ approved _________ this the _______ day of _________, 1979.

Governor