

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-79

Time 2:40 p.m.

# 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 Passage



No. 1381



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1381**

(By MR. SPEAKER, MR. SEE)

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[Passed March 6, 1979; in effect July 1, 1979.]

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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
- 2 annual salaries pursuant to appropriation by the Legislature,
- 3 payable at least monthly as follows:
- 4 Any lieutenant colonel shall receive an annual salary of
- 5 twenty-two thousand twenty dollars; any major shall receive an

6 annual salary of nineteen thousand nine hundred thirty-two  
7 dollars; any captain shall receive an annual salary of eighteen  
8 thousand three hundred twenty-four dollars; any lieutenant  
9 shall receive an annual salary of seventeen thousand two  
10 hundred eight dollars; any master sergeant or first sergeant  
11 shall receive an annual salary of sixteen thousand one hundred  
12 forty dollars; any sergeant shall receive an annual salary  
13 of fifteen thousand three hundred sixty dollars; any corporal  
14 shall receive an annual salary of fourteen thousand five hundred  
15 thirty-two dollars; any trooper first class shall receive an  
16 annual salary of thirteen thousand six hundred fifty-six dollars;  
17 and any newly enlisted trooper shall receive a salary of nine  
18 hundred eighty-eight dollars monthly during the period of  
19 his basic training, and upon the satisfactory completion of  
20 such training and assignment to active duty each such trooper  
21 shall receive, during the remainder of his first year's service,  
22 a salary of one thousand sixty-eight dollars monthly. During  
23 the second year of his service in the department each such  
24 trooper shall receive an annual salary of thirteen thousand  
25 one hundred four dollars; during the third year of his service  
26 each such trooper shall receive an annual salary of thirteen  
27 thousand three hundred eight dollars; and during the fourth  
28 year and fifth year of such trooper's service and for each  
29 year thereafter he shall receive an annual salary of thirteen  
30 thousand four hundred eighty-eight dollars. Each member  
31 of the department whose salary is specified herein shall receive  
32 and be entitled to an increase in salary over that hereinbefore  
33 set forth, for grade in rank, based on length of service, in-  
34 cluding that heretofore and hereafter served with the depart-  
35 ment, as follows: At the end of five years of service with the  
36 department, such member shall receive a salary increase of  
37 three hundred dollars to be effective during his next three  
38 years of service and a like increase at three-year intervals  
39 thereafter, with such increases to be cumulative.

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

46 The Legislature finds and declares that there is litigation  
47 pending in the circuit court of Kanawha County on the question  
48 whether members of the department of public safety are  
49 covered by the provisions of the state wage and hour law,  
50 article five-c, chapter twenty-one of this code. The Legislature  
51 further finds and declares that because of the unique duties  
52 of members of the department, it is not appropriate to apply  
53 said wage and hour provisions to them. Accordingly, mem-  
54 bers of the department of public safety are hereby excluded  
55 from the provisions of said wage and hour law. The express  
56 exclusion hereby enacted shall not be construed as any indica-  
57 tion that such members were or were not heretofore covered  
58 by said wage and hour law.

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

64 The superintendent shall, within thirty days after the ef-  
65 fective date hereof, promulgate a rule or regulation to estab-  
66 lish the number of hours per month which shall constitute the  
67 standard work month for members of the department. Such  
68 rule or regulation shall further establish on a graduated hourly  
69 basis, the criteria for receipt of a portion or all of such sup-  
70 plemental payment when hours are worked in excess of such  
71 standard work month. Such rule or regulation shall be  
72 promulgated pursuant to the provisions of chapter twenty-nine-  
73 a of the code. The superintendent shall certify monthly to the  
74 department's payroll officer the names of those members who  
75 have worked in excess of the standard work month and the  
76 amount of their entitlement to supplemental payment.

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

83 Each member of the department, except the superintendent

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

90 Any member of the department who is called to perform  
91 active duty for training or inactive duty training in the national  
92 guard or any reserve component of the armed forces of the  
93 United States annually shall be granted upon request leave  
94 time not to exceed thirty calendar days for the purpose of  
95 performing such active duty for training or inactive duty  
96 training, and the time so granted shall not be deducted from any  
97 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

*Robert C. Christian*  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1979.

*J. Dillon*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*W. T. Bullock*  
President of the Senate

*John M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *26*  
day of *March*, 1979.

*John D. Roper*  
Governor

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OFFICE OF THE GOVERNOR

HOUSE OF STATE

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