WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
Committee Substitute for
HOUSE BILL No. 1266

(By Mr. Speaker, Mr. Lee)

Passed March 8, 1980

In Effect July 1, 1980

No. 1266
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1266

(By MR. SPEAKER, MR. SEE)

(Originating in the House Committee on Finance)

[Passed March 8, 1980; in effect July 1, 1980.]

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.

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-three thousand seven hundred eighty-four dollars; any
major shall receive an annual salary of twenty-one thousand five hundred twenty-eight dollars; any captain shall receive an annual salary of nineteen thousand seven hundred eighty-eight dollars; any lieutenant shall receive an annual salary of eighteen thousand five hundred eighty-eight dollars; any master sergeant or first sergeant shall receive an annual salary of seventeen thousand four hundred thirty-six dollars; any sergeant shall receive an annual salary of sixteen thousand five hundred eighty-four dollars; any corporal shall receive an annual salary of fifteen thousand six hundred ninety-six dollars; any trooper first class shall receive an annual salary of fourteen thousand seven hundred eighty-four dollars; and any newly enlisted trooper shall receive a salary of one thousand sixty-seven 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 one hundred fifty-three dollars monthly. During the second year of his service in the department each trooper shall receive an annual salary of fourteen thousand one hundred forty-eight dollars; during the third year of his service each such trooper shall receive an annual salary of fourteen thousand three hundred seventy-six dollars; and during the fourth and fifth year of such trooper's service and for each year thereafter he shall receive an annual salary of fourteen thousand five hundred sixty-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 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 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 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, conditioned 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 Davis
Chairman Senate Committee

Clarence E. Chestnut
Chairman House Committee

Originated in the House.

Takes effect July 1, 1980.

J. C. Wolfe
Clerk of the Senate

O. A. Blankenship
Clerk of the House of Delegates

W. E. Batten Jr.
President of the Senate

C. N. Keene Jr.
Speaker House of Delegates

The within happened this the 26th day of March, 1980.

J. D. Bulger
Governor