

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-80

Time 2:45 p.m.

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 ~~Passage~~



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
2 pursuant to appropriation by the Legislature, payable at least
3 monthly as follows:

4 Any lieutenant colonel shall receive an annual salary of
5 twenty-three thousand seven hundred eighty-four dollars; any

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

41 In applying the foregoing salary schedule where salary
42 increases are provided for length of service, members of the
43 department in service at the time this article becomes effective
44 shall be given credit for prior service and shall be paid such

45 salaries as the same length of service will entitle them to re-
46 ceive under the provisions hereof.

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

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

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

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

82 employees of the department shall not be eligible for any
83 such supplemental payments.

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

91 Any member of the department who is called to perform
92 active duty for training or inactive duty training in the national
93 guard or any reserve component of the armed forces of the
94 United States annually shall be granted upon request leave
95 time not to exceed thirty calendar days for the purpose of
96 performing such active duty for training or inactive duty train-
97 ing, and the time so granted shall not be deducted from any
98 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

Lawrence C. Chestnut Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1980.

Isabel C. Hicks
Clerk of the Senate

Clara Blankenship
Clerk of the House of Delegates

W. F. Babbitt Jr.
President of the Senate

Chas. N. Lee, Jr.
Speaker House of Delegates

The within is approved this the 26
day of March, 1980.

John D. Rye
Governor

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