

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

No: 1553

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

Com. Sub. for
HOUSE BILL No. 1553

(By Mr. Speaker, Mr. Lee)



Passed April 7, 1981

In Effect July 1, 1981 ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1553

(By MR. SPEAKER, MR. SEE)

[Passed April 7, 1981; in effect July 1, 1981.]

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 the maximum supplemental payment to state policemen in lieu of overtime; and increasing salaries.

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-six thousand seven hundred sixty dollars; any major
6 shall receive an annual salary of twenty-four thousand two
7 hundred sixteen dollars; any captain shall receive an annual
8 salary of twenty-two thousand two hundred sixty dollars;

9 any lieutenant shall receive an annual salary of twenty thousand
10 nine hundred sixteen dollars; any master sergeant or first
11 sergeant shall receive an annual salary of nineteen thousand
12 six hundred twenty dollars; any sergeant shall receive an an-
13 nual salary of eighteen thousand six hundred sixty dollars; any
14 corporal shall receive an annual salary of seventeen thousand
15 six hundred sixty four dollars; any trooper first class shall
16 receive an annual salary of sixteen thousand six hundred thirty-
17 two dollars; and any newly enlisted trooper shall receive a
18 salary of one thousand two hundred dollars monthly during
19 the period of his basic training, and upon the satisfactory com-
20 pletion of such training and assignment to active duty each
21 such trooper shall receive, during the remainder of his first

22 year's service a salary of one thousand two hundred ninety-
23 seven dollars monthly. During the second year of his service in
24 the department each trooper shall receive an annual salary of
25 fifteen thousand nine hundred twelve dollars; during the third
26 year of his service each such trooper shall receive an annual
27 salary of sixteen thousand one hundred seventy-six dollars;
28 and during the fourth and fifth year of such trooper's service
29 and for each year thereafter he shall receive an annual salary
30 of sixteen thousand three hundred ninety-two dollars. Each
31 member of the department whose salary is specified herein
32 shall receive and be entitled to an increase in salary over that
33 hereinbefore set forth, for grade in rank, based on length of
34 service, including that heretofore and hereafter served with
35 the department, as follows: At the end of five years of service
36 with the department, such member shall receive a salary in-
37 crease of three hundred dollars to be effective during his
38 next three years of service and a like increase at three-year
39 intervals thereafter, with such increases to be cumulative.

40 In applying the foregoing salary schedule where salary in-
41 creases are provided for length of service, members of the de-
42 partment 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 ques-

48 tion 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, members
54 of the department of public safety are hereby excluded from
55 the provisions of said wage and hour law. The express ex-
56 clusion 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 re-
60 ceived under the wage and hour law, and in addition to their
61 salaries and increases for length of service, members who have
62 completed basic training may receive supplemental pay as
63 hereinafter provided.

64 The superintendent shall, within thirty days after the effec-
65 tive date hereof, promulgate a rule or regulation to establish the
66 number of hours per month which shall constitute the standard
67 work month for the members of the department. Such rule or
68 regulation shall further establish, on a graduated hourly basis,
69 the criteria for receipt of a portion or all of such supplemental
70 payment when hours are worked in excess of said standard
71 work month. Such rule or regulation shall be promulgated
72 pursuant to the provisions of chapter twenty-nine-a of the
73 code. The superintendent shall certify monthly to the de-
74 partment'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 two hundred
80 dollars monthly. The superintendent and civilian employees
81 of the department shall not be eligible for any such supple-
82 mental 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 five

86 thousand dollars payable to the state of West Virginia, con-
87 ditioned upon the faithful performance of his duties, and
88 such 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 per-
95 forming such active duty for training or inactive duty training,
96 and the time so granted shall not be deducted from any leave
97 accumulated as a member of the department.

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

R. D. Bayler
Chairman Senate Committee

Joseph E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect July 1, 1981.

Joseph C. Willis
Clerk of the Senate

C. A. Blackenship
Clerk of the House of Delegates

Walter R. Jones
President of the Senate

Walter G. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *24*
day of *April*, 1981.

John R. Rye
Governor

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SECY OF STATE