

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