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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1599

(By ~~Mr.~~ Del. Neal & Del. Burke)

— ● —

Passed March 10, 1984

In Effect July 1, 1984 Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1599
(By DELEGATE NEAL and DELEGATE BURKE)

[Passed March 10, 1984; in effect July 1, 1984.]

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 salaries of the members of the department of public safety; and providing for increasing the maximum supplemental payment receivable for excess hours (overtime) worked.

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, with supplemental payment; 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 thirty thousand dollars;
- 5 any major shall receive twenty-seven thousand five hundred

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

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

42 The Legislature finds and declares that there is litigation
43 pending in the circuit court of Kanawha county on the question
44 of whether members of the department of public safety are

45 covered by the state wage and hour law, article five-c, chapter
46 twenty-one of this code. The Legislature further finds and
47 declares that because of the unique duties of members of
48 the department, it is not appropriate to apply such wage
49 and hour provisions to them. Accordingly, members of the
50 department of public safety are hereby excluded from the
51 provisions of the wage and hour law. The express exclusion
52 hereby enacted shall not be construed as any indication
53 that such members were or were not heretofore covered by
54 such wage and hour law.

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

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

74 The supplemental payment shall be in an amount equal to
75 one and one-half percent of the annual salary of a trooper
76 during his second year of service, not to exceed two hundred
77 fifteen dollars monthly. The superintendent and civilian em-
78 ployees of the department shall not be eligible for any such
79 supplemental payments.

80 Each member of the department, except the superintendent
81 and civilian employees, shall execute, before entering upon
82 the discharge of his duties, a bond with security in the sum

83 of five thousand dollars payable to the state of West Vir-
84 ginia, conditioned upon the faithful performance of his duties,
85 and such bond shall be approved as to form by the attorney
86 general and to sufficiency by the governor.

87 Any member of the department who is called to perform
88 active duty for training or inactive duty training in the na-
89 tional guard or any reserve component of the armed forces
90 of the United States annually shall be granted upon request
91 leave time not to exceed thirty calendar days for the purpose
92 of performing such active duty for training or inactive duty
93 training, and the time so granted shall not be deducted from
94 any leave accumulated as a member of the department.

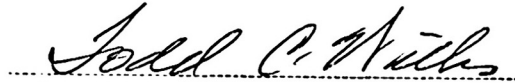
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

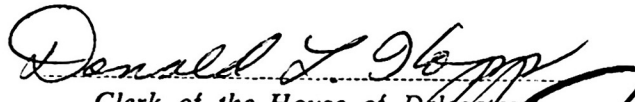

Chairman Senate Committee

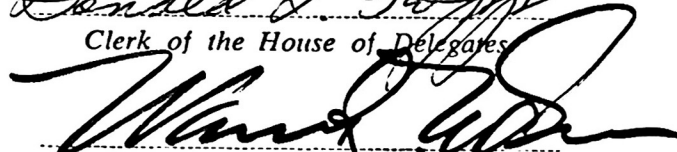

Chairman House Committee

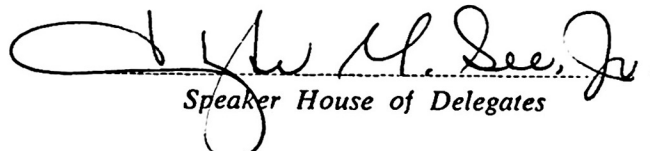
Originating in the House.

Takes effect July 1, 1984.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1984.


Governor

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