

No: 654

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
Committee Substitute for
SENATE BILL NO. 654

(By Mr. *Inforovich, Mr. President, et al.*)

PASSED April 8, 1985
In Effect July 1, 1985 Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 654

(MR. TONKOVICH, MR. PRESIDENT (BY REQUEST)
AND MR. HARMAN, *original sponsors*)

(Originating in the Committee on Finance.)

[Passed April 8, 1985; to take effect July 1, 1985.]

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 the members of the department of public safety 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, 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
- 3 least monthly as follows:
- 4 Any lieutenant colonel shall receive an annual salary of
- 5 thirty-one thousand five hundred dollars; any major shall

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

44 In applying the foregoing salary schedule where salary
45 increases are provided for length of service, members of

46 the department in service at the time this article becomes
47 effective shall be given credit for prior service and shall
48 be paid such salaries as the same length of service will
49 entitle them to receive under the provisions hereof.

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

64 In lieu of any overtime pay they might otherwise have
65 received under the wage and hour law, and in addition to
66 their salaries and increases for length of service, members
67 who have completed basic training may receive supplemental
68 payment as hereinafter provided.

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

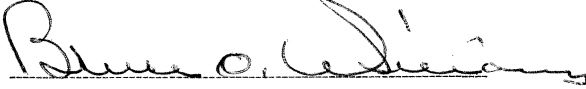
84 The supplemental payment shall be in amount equal to
85 one and one-half percent of the annual salary of a troop-

86 er during his second year of service, not to exceed two
87 hundred twenty-five dollars monthly. The superintendent
88 and civilian employees of the department shall not be
89 eligible for any such supplemental payments.

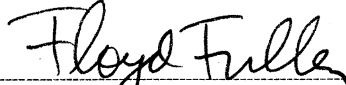
90 Each member of the department, except the superin-
91 tendent and civilian employees, shall execute, before
92 entering upon the discharge of his duties, a bond with
93 security in the sum of five thousand dollars payable to
94 the state of West Virginia, conditioned upon the faithful
95 performance of his duties, and such bond shall be ap-
96 proved as to form by the attorney general and to suffi-
97 ciency by the governor.

98 Any member of the department who is called to per-
99 form active duty for training or inactive duty training in
100 the national guard or any reserve component of the armed
101 forces of the United States annually, shall be granted
102 upon request leave time not to exceed thirty calendar
103 days for the purpose of performing such active duty for
104 training or inactive duty training, and the time so granted
105 shall not be deducted from any leave accumulated as a
106 member of the department.

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



Chairman Senate Committee



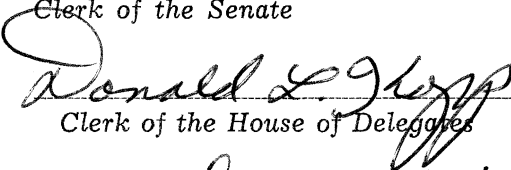
Chairman House Committee

Originated in the Senate.

In effect July 1, 1985.



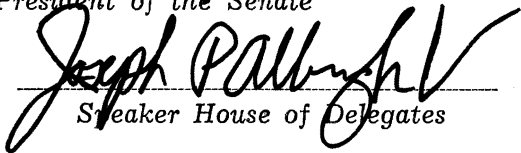
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within approved this the 22nd
day of April, 1985.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/12/85

Time 10:00 A.M.