WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
Committee Substitute for
SENATE BILL NO. 654

(By Mr. Jenkins, Mr. President, et al.)

PASSED April 8, 1985
In Effect July 1, 1985
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
receive an annual salary of twenty-eight thousand eight hundred eighty-four dollars; any captain shall receive an annual salary of twenty-six thousand seven hundred seventy-two dollars; any lieutenant shall receive an annual salary of twenty-five thousand two hundred dollars; any master sergeant or first sergeant shall receive an annual salary of twenty-three thousand six hundred twenty-eight dollars; any sergeant shall receive an annual salary of twenty-two thousand fifty-six dollars; any corporal shall receive an annual salary of twenty thousand four hundred seventy-two dollars; any trooper first class shall receive an annual salary of eighteen thousand nine hundred dollars; and any newly enlisted trooper shall receive a salary of one thousand three hundred fifty-five dollars monthly during the period of his basic training, and upon the satisfactory completion of such training and assignment to active duty, each such trooper shall receive, during the remainder of his first year's service, a salary of one thousand four hundred sixty-four dollars monthly. During the second year of his service in the department, each trooper shall receive an annual salary of seventeen thousand nine hundred fifty-two dollars; during the third year of his service, each such trooper shall receive an annual salary of eighteen thousand two hundred fifty-two dollars; and during the fourth and fifth year of such trooper's service and for each year thereafter, he shall receive an annual salary of eighteen thousand four hundred ninety-two dollars. Each member of the department whose salary is fixed and specified herein shall receive and be entitled to an increase in salary over that hereinbefore set forth, for grade in rank, based on length of service, including that heretofore and hereafter served with the department as follows: At the end of five years of service with the department, such member shall receive a salary increase of three hundred dollars to be effective during his next three years of service and a like increase at three-year intervals thereafter, with such increases to be cumulative.
the department in service at the time this article becomes effective shall be given credit for prior service and shall be paid such salaries as the same length of service will entitle them to receive under the provisions hereof.

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

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

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

The supplemental payment shall be in amount equal to one and one-half percent of the annual salary of a troop-
er during his second year of service, not to exceed two
hundred twenty-five dollars monthly. The superintendent
and civilian employees of the department shall not be
eligible for any such supplemental payments.

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

Any member of the department who is called to per-
form active duty for training or inactive duty training in
the national guard or any reserve component of the armed
forces of the United States annually, shall be granted
upon request leave time not to exceed thirty calendar
days for the purpose of performing such active duty for
training or inactive duty training, and the time so granted
shall not be deducted from 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
Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect July 1, 1985.

Clerk of the Senate
Donald E. Hipp
Clerk of the House of Delegates

President of the Senate
Joseph P.叭n
Speaker House of Delegates

The within ___ approved this the ______ day of ______, 1985.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/10/85
Time 10:00 A.M.