

70:1271

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

Com. Sub. for
HOUSE BILL No. 1271

(By ~~Mr.~~ Del. Sheffer & Del. Farley)



Passed Feb. 27, 1986

In Effect July 1, 1986 ~~Passage~~

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1271
(By DELEGATE SHAFFER and DELEGATE FARLEY)

[Passed February 27, 1986; in effect July 1, 1986.]

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 department of public safety; salaries; exclusion from wage and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves; providing a six hundred dollar salary increase for members of the department of public safety.

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
2 salaries pursuant to appropriation by the Legislature,
3 payable at least monthly as follows:

4 Any lieutenant colonel shall receive an annual salary

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

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

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

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

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

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

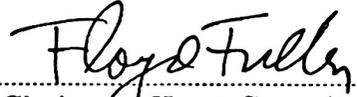
87 The supplemental payment shall be in an amount
88 equal to one and one-half percent of the annual salary
89 of a trooper during his second year of service, not to
90 exceed two hundred twenty-five dollars monthly. The
91 superintendent and civilian employees of the depart-
92 ment shall not be eligible for any such supplemental
93 payments.

94 Each member of the department, except the superin-
95 tendent and civilian employees, shall execute, before
96 entering upon the discharge of his duties, a bond with
97 security in the sum of five thousand dollars payable to
98 the state of West Virginia, conditioned upon the faithful
99 performance of his duties, and such bond shall be
100 approved as to form by the attorney general and to
101 sufficiency by the governor.

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

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


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Chairman Senate Committee


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Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within  this the 
day of , 1986.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/86

Time 12:33 p.m.

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OFFICE OF THE
SECRETARY OF STATE

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86