WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Com. Sub. for

HOUSE BILL No. 1271

(By Rep. Shaffer and Del. Farley)

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Passed Feb. 27, 1986

In Effect July 1, 1986
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 salaries pursuant to appropriation by the Legislature, payable at least monthly as follows:

2 Any lieutenant colonel shall receive an annual salary
of thirty-two thousand one hundred dollars; any major
shall receive an annual salary of twenty-nine thousand
four hundred eighty-four dollars; any captain shall
receive an annual salary of twenty-seven thousand three
hundred seventy-two dollars; any lieutenant shall
receive an annual salary of twenty-five thousand eight
hundred dollars; any master sergeant or first sergeant
shall receive an annual salary of twenty-four thousand
two hundred twenty-eight dollars; any sergeant shall
receive an annual salary of twenty-two thousand six
hundred fifty-six dollars; any corporal shall receive an
annual salary of twenty-one thousand seventy-two
dollars; any trooper first class shall receive an annual
salary of nineteen thousand five hundred dollars; and
any newly enlisted trooper shall receive a salary of one
thousand four hundred 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 five hundred fourteen dollars monthly. During
the second year of his service in the department, each
trooper shall receive an annual salary of eighteen
thousand five hundred fifty-two dollars; during the third
year of his service each such trooper shall receive an
annual salary of eighteen thousand eight 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 nineteen thousand 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.

In applying the foregoing salary schedule where
salary increases are provided for length of service,
members of 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 provi-
sions 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. Accord-
ingly, 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 an amount equal to one and one-half percent of the annual salary of a trooper 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 superintendent 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 approved as to form by the attorney general and to sufficiency by the governor.

Any member of the department who is called to perform 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

Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 25th day of March, 1986.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/6/86
Time 13:33 p.m.