

16:1271

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

## ENROLLED

Com. Sub. for  
HOUSE BILL No. 1271

(By ~~Mr.~~ Del. Shaffer & 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)

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

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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.

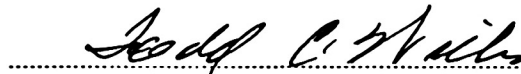
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
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  this the   
day of , 1986.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/86

Time 12:33 p.m.

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U.S. DEPARTMENT OF STATE  
SECRETARY OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86