WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED

SENATE BILL NO. 706

(By Senator Franklin and Jackson)

PASSED March 14, 1987

In Effect July 1, 1987
ENROLLED

Senate Bill No. 706

(BY SENATORS TOMBLIN AND JACKSON)

[Passed March 14, 1987; to take effect July 1, 1987.]

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 the department of public safety; creating the salaried positions of first lieutenant and second lieutenant and increasing the salaries of certain members of the department.

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-three thousand six hundred seventy-two dollars; any major shall receive an annual salary of thirty-one thousand fifty-six dollars; any captain shall receive an annual salary of twenty-eight thousand nine hundred forty-four dollars;
any first lieutenant shall receive an annual salary of twenty-seven thousand three hundred seventy-two dollars; any second 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-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 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 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 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
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

Originated in the Senate.

To take effect July 1, 1987.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within................... this the 24th
day of .......................1987.

Governor