

No: 706

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987



ENROLLED

SENATE BILL NO. 706

(By Senator s. Amplein and Jackson)



PASSED March 14 1987

In Effect July 1, 1987 



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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
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-three thousand six hundred seventy-two dollars; any
6 major shall receive an annual salary of thirty-one thousand
7 fifty-six dollars; any captain shall receive an annual salary
8 of twenty-eight thousand nine hundred forty-four dollars;

9 any first lieutenant shall receive an annual salary of
10 twenty-seven thousand three hundred seventy-two dollars;
11 any second lieutenant shall receive an annual salary of
12 twenty-five thousand eight hundred dollars; any master
13 sergeant or first sergeant shall receive an annual salary of
14 twenty-four thousand two hundred twenty-eight dollars;
15 any sergeant shall receive an annual salary of twenty-two
16 thousand six hundred fifty-six dollars; any corporal shall
17 receive an annual salary of twenty-one thousand seventy-
18 two dollars; any trooper first class shall receive an annual
19 salary of nineteen thousand five hundred dollars; and any
20 newly enlisted trooper shall receive a salary of one
21 thousand four hundred five dollars monthly during the
22 period of his basic training, and upon the satisfactory
23 completion of such training and assignment to active duty,
24 each such trooper shall receive, during the remainder of his
25 first year's service, a salary of one thousand five hundred
26 fourteen dollars monthly. During the second year of his
27 service in the department, each trooper shall receive an
28 annual salary of eighteen thousand five hundred fifty-two
29 dollars; during the third year of his service each such
30 trooper shall receive an annual salary of eighteen thousand
31 eight hundred fifty-two dollars; and during the fourth and
32 fifth year of such trooper's service and for each year
33 thereafter, he shall receive an annual salary of nineteen
34 thousand ninety-two dollars. Each member of the
35 department whose salary is fixed and specified herein shall
36 receive and be entitled to an increase in salary over that
37 hereinbefore set forth, for grade in rank, based on length of
38 service, including that heretofore and hereafter served with
39 the department as follows: At the end of five years of service
40 with the department, such member shall receive a salary
41 increase of three hundred dollars to be effective during his
42 next three years of service and a like increase at three-year
43 intervals thereafter, with such increases to be cumulative.
44 In applying the foregoing salary schedule where salary
45 increases are provided for length of service, members of the
46 department in service at the time this article becomes
47 effective shall be given credit for prior service and shall be
48 paid such salaries as the same length of service will entitle
49 them to receive under the provisions hereof.

50 The Legislature finds and declares that there is litigation
51 pending in the circuit court of Kanawha County on the

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

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

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

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

88 Each member of the department, except the
89 superintendent and civilian employees, shall execute,
90 before entering upon the discharge of his duties, a bond
91 with security in the sum of five thousand dollars payable to
92 the state of West Virginia, conditioned upon the faithful
93 performance of his duties, and such bond shall be approved

94 as to form by the attorney general and to sufficiency by the
95 governor.

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

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1987.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *approved* this the *24th*
hand
day of 1987.

[Handwritten Signature]
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/19/87

Time 1:45 p.m.

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OFFICE OF THE
SECRETARY OF STATE