

SB # 133

RECEIVED

1994 MAR 30 PM 3:00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



## ENROLLED

Committee Substitute for  
SENATE BILL NO. 133

(By Senators Burdette, Mr. President, et al)



PASSED March 12, 1994

In Effect July 1, 1994 ~~Passage~~

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 133**

(SENATORS BURDETTE, MR. PRESIDENT, BOLEY,  
ANDERSON, BAILEY, BLATNIK, CHAFIN, CHERNENKO,  
CLAYPOLE, CRAIGO, DALTON, DITTMAR, HELMICK,  
HOLLIDAY, HUMPHREYS, JONES, LUCHT, MANCHIN, MILLER,  
MINARD, PLYMALE, ROSS, SCHOONOVER, SHARPE, TOMBLIN,  
WAGNER, WHITLOW, WOOTON AND YODER, *original sponsors*)

---

[Passed March 12, 1994; to take effect July 1, 1994]

---

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 division of public safety; and increasing the annual salary of each division member by one thousand eight dollars.

*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. DIVISION OF PUBLIC SAFETY.**

**§15-2-5. Career progression system; salaries; exclusion from wage and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.**

1 The superintendent shall establish within the division  
2 of public safety a system to provide for: The promotion  
3 of members to the supervisory ranks of sergeant, first  
4 sergeant, second lieutenant and first lieutenant; the  
5 classification of nonsupervisory members within the  
6 field operations force to the ranks of trooper, senior  
7 trooper, trooper first class or corporal; the classification  
8 of members assigned to the forensic laboratory as  
9 criminalist I-VII; and the temporary reclassification of  
10 members assigned to administrative duties as adminis-  
11 trative support specialist I-VIII.

12 The superintendent shall, only in the initial imple-  
13 mentation of this section, reclassify nonsupervisory  
14 members without benefit or requirement of a promo-  
15 tional or reclassification system as long as those  
16 reclassified meet the longevity requirements for  
17 advancement as follows: Trooper—less than three years;  
18 senior trooper—three years to eight years; trooper first  
19 class—nine years to fourteen years; corporal—more than  
20 fourteen years.

21 The superintendent is authorized to promulgate  
22 legislative rules in accordance with chapter twenty-nine-  
23 a of this code for the purpose of ensuring consistency,  
24 predictability and independent review of any system  
25 developed under the provisions of this section.

26 The superintendent shall provide to each member a  
27 written manual governing any system established under  
28 the provisions of this section and specific procedures  
29 shall be identified for the evaluation and testing of  
30 members for promotion or reclassification and the  
31 subsequent placement of any members on a promotional  
32 eligibility or reclassification recommendation list.

33 Members shall receive annual salaries as follows:

34	ANNUAL SALARY SCHEDULE (BASE PAY)	
35	SUPERVISORY AND NONSUPERVISORY RANKS	
36	Cadet During Training . . . . .	\$1,684 Mo. \$20,208
37	Cadet Trooper After Training . . . . .	1,799 Mo. 21,588
38	Trooper Second Year . . . . .	21,984
39	Trooper Third Year . . . . .	22,308
40	Trooper Fourth & Fifth Year . . . . .	22,560
41	Senior Trooper . . . . .	24,360
42	Trooper First Class . . . . .	26,160
43	Corporal . . . . .	27,960
44	Sergeant . . . . .	31,560
45	First Sergeant . . . . .	33,360
46	Second Lieutenant. . . . .	35,160
47	First Lieutenant . . . . .	36,960
48	Captain . . . . .	38,760
49	Major . . . . .	40,560
50	Lieutenant Colonel . . . . .	42,360
51	ANNUAL SALARY SCHEDULE (BASE PAY)	
52	ADMINISTRATION	
53	SUPPORT SPECIALIST CLASSIFICATION	
54	I . . . . .	22,560
55	II . . . . .	24,360
56	III . . . . .	26,160
57	IV . . . . .	27,960
58	V . . . . .	31,560
59	VI . . . . .	33,360
60	VII. . . . .	35,160
61	VIII . . . . .	36,960
62	ANNUAL SALARY SCHEDULE (BASE PAY)	
63	CRIMINALIST CLASSIFICATION	
64	I . . . . .	22,560
65	II . . . . .	24,360
66	III . . . . .	26,160
67	IV . . . . .	27,960
68	V . . . . .	31,560
69	VI . . . . .	33,360
70	VII. . . . .	35,160

71 Each member of the division whose salary is fixed and  
72 specified herein shall receive and be entitled to an  
73 increase in salary over that hereinbefore set forth, for  
74 grade in rank, based on length of service, including that  
75 heretofore and hereafter served with the division as  
76 follows: At the end of five years of service with the  
77 division, such member shall receive a salary increase of  
78 three hundred dollars to be effective during his or her  
79 next three years of service and a like increase at three-  
80 year intervals thereafter, with such increases to be  
81 cumulative.

82 In applying the foregoing salary schedule where salary  
83 increases are provided for length of service, members of  
84 the division in service at the time this article becomes  
85 effective shall be given credit for prior service and shall  
86 be paid such salaries as the same length of service will  
87 entitle them to receive under the provisions hereof.

88 The Legislature finds and declares that because of the  
89 unique duties of members of the division, it is not  
90 appropriate to apply the provisions of state wage and  
91 hour laws to them. Accordingly, members of the division  
92 of public safety are hereby excluded from the provisions  
93 of state wage and hour law. The express exclusion  
94 hereby enacted shall not be construed as any indication  
95 that such members were or were not heretofore covered  
96 by said wage and hour law.

97 In lieu of any overtime pay they might otherwise have  
98 received under the wage and hour law, and in addition to  
99 their salaries and increases for length of service,  
100 members who have completed basic training and who are  
101 exempt from federal Fair Labor Standards Act guide-  
102 lines may receive supplemental pay as hereinafter  
103 provided.

104 The superintendent shall, within thirty days after the  
105 effective date hereof, promulgate a rule to establish the  
106 number of hours per month which shall constitute the  
107 standard work month for the members of the division.  
108 The rule shall further establish, on a graduated hourly

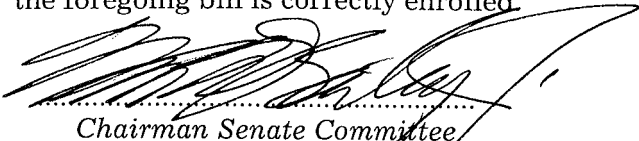
109 basis, the criteria for receipt of a portion or all of such  
110 supplemental payment when hours are worked in excess  
111 of said standard work month. The rule shall be promul-  
112 gated pursuant to the provisions of chapter twenty-nine-  
113 a of this code. The superintendent shall certify monthly  
114 to the division's payroll officer the names of those  
115 members who have worked in excess of the standard  
116 work month and the amount of their entitlement to  
117 supplemental payment.

118 The supplemental payment may not exceed two  
119 hundred thirty-six dollars monthly. The superintendent  
120 and civilian employees of the division are not eligible for  
121 any such supplemental payments.

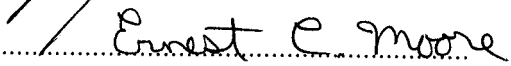
122 Each member of the division, except the superinten-  
123 dent and civilian employees, shall execute, before  
124 entering upon the discharge of his or her duties, a bond  
125 with security in the sum of five thousand dollars payable  
126 to the state of West Virginia, conditioned upon the  
127 faithful performance of his or her duties, and such bond  
128 shall be approved as to form by the attorney general and  
129 as to sufficiency by the governor.

130 Any member of the division who is called to perform  
131 active duty for training or inactive duty training in the  
132 national guard or any reserve component of the armed  
133 forces of the United States annually shall be granted  
134 upon request leave time not to exceed thirty calendar  
135 days for the purpose of performing such active duty for  
136 training or inactive duty training and the time so granted  
137 may not be deducted from any leave accumulated as a  
138 member of the division.

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



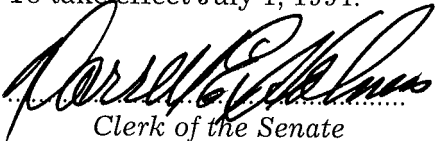
Chairman Senate Committee



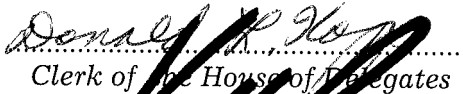
Chairman House Committee

Originated in the Senate.

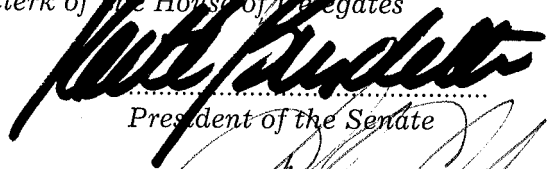
To take effect July 1, 1994.



Clerk of the Senate



Clerk of the House of Delegates

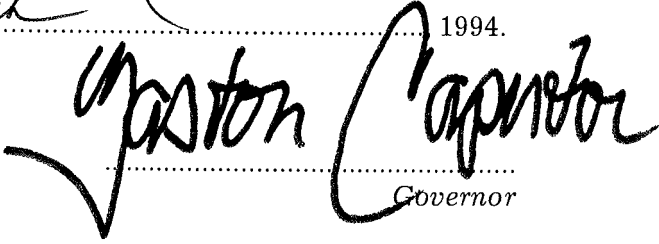


President of the Senate



Speaker House of Delegates

The within is approved this the 30th day of March 1994.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/94

Time 2:45pm