

HB 4745

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4745

(By Delegates Riss, Browning, Loyle, Hamer, Border,
Miller and Walters)



Passed March 9, 1996

In Effect - from - Passage

ENROLLED

H. B. 4745

(BY DELEGATES KISS, BROWNING, DOYLE,
WARNER, BORDER, MILLER AND WALTERS)

[Passed March 9, 1996; in effect from passage.]

AN ACT to amend and reenact section two, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section five, article two, chapter fifteen of said code, all relating to salary increases for state employees; providing incremental salary increases for state employees based upon years of service; a career progression system for the West Virginia state police; promulgation of rules; salaries for members of the West Virginia state police; salary increases for length of service; exclusion from state wage and hour laws; limitations of supplemental payments; bonds; leave for national guards or reserves; and increasing salaries of members of the West Virginia state police.

Be it enacted by the Legislature of West Virginia:

That section two, article five, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section five, article two, chapter fifteen of said code be amended and reenacted to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY
OF THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

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ARTICLE 5. SALARY INCREASE FOR STATE EMPLOYEES.**§5-5-2. Granting incremental salary increases based on years of service.**

1 Effective for the fiscal year beginning the first day of
2 July, one thousand nine hundred ninety-six, every eligible
3 employee with three or more years of service shall receive
4 an annual salary increase equal to fifty dollars times the
5 employees' years of service, not to exceed twenty years of
6 service. In each fiscal year thereafter and on the first day
7 of July, each eligible employee shall receive an annual
8 increment increase of fifty dollars for that fiscal year.
9 Every employee becoming newly eligible as a result of
10 meeting the three years of service minimum requirement
11 on the first day of July in any fiscal year subsequent to
12 one thousand nine hundred ninety-six, is entitled to the
13 annual salary increase equal to fifty dollars times the em-
14 ployees' years of service, where he or she has not in a
15 previous fiscal year received the benefit of an increment
16 computation; and shall receive a single annual increment
17 increase thereafter of fifty dollars for each subsequent
18 fiscal year. These incremental increases shall be in addi-
19 tion to any across-the-board, cost-of-living or percentage
20 salary increases which may be granted in any fiscal year
21 by the Legislature. This article shall not be construed to
22 prohibit other pay increases based on merit, seniority,
23 promotion or other reason, if funds are available for the
24 other pay increases: *Provided*, That the executive head of
25 each spending unit shall first grant the mandated increase
26 in compensation in this section to all eligible employees
27 prior to the consideration of any increases based on merit,
28 seniority, promotion or other reason.

CHAPTER 15. PUBLIC SAFETY.**ARTICLE 2. WEST VIRGINIA STATE POLICE.****§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 (a) The superintendent shall establish within the West
2 Virginia state police a system to provide for: The promo-
3 tion of members to the supervisory ranks of sergeant, first
4 sergeant, second lieutenant and first lieutenant; the classifi-

5 cation of nonsupervisory members within the field opera-
 6 tions force to the ranks of trooper, senior trooper, trooper
 7 first class or corporal; the classification of members as-
 8 signed to the forensic laboratory as criminalist I-VII; and
 9 the temporary reclassification of members assigned to
 10 administrative duties as administrative support specialist
 11 I-VIII.

12 (b) The superintendent is authorized to promulgate
 13 legislative rules in accordance with article three, chapter
 14 twenty-nine-a of this code for the purpose of ensuring
 15 consistency, predictability and independent review of any
 16 system developed under the provisions of this section.

17 (c) The superintendent shall provide to each member a
 18 written manual governing any system established under
 19 the provisions of this section and specific procedures shall
 20 be identified for the evaluation and testing of members for
 21 promotion or reclassification and the subsequent place-
 22 ment of any members on a promotional eligibility or
 23 reclassification recommendation list.

24 (d) Members shall receive annual salaries as follows:

25 ANNUAL SALARY SCHEDULE (BASE PAY)
 26 SUPERVISORY AND NONSUPERVISORY RANKS

27	Cadet During Training	\$1,684 Mo.	\$20,208
28	Cadet Trooper After Training	1,799 Mo.	21,588
29	Trooper Second Year		21,984
30	Trooper Third Year		22,308
31	Trooper Fourth & Fifth Year		22,560
32	Senior Trooper		24,360
33	Trooper First Class		26,160
34	Corporal		27,960
35	Sergeant		31,560
36	First Sergeant		33,360
37	Second Lieutenant		35,160
38	First Lieutenant		36,960
39	Captain		38,760

40	Major	40,560
41	Lieutenant Colonel	42,360
42	ANNUAL SALARY SCHEDULE (BASE PAY)	
43	ADMINISTRATION	
44	SUPPORT SPECIALIST CLASSIFICATION	
45	I	22,560
46	II	24,360
47	III	26,160
48	IV	27,960
49	V	31,560
50	VI	33,360
51	VII	35,160
52	VIII	36,960
53	ANNUAL SALARY SCHEDULE (BASE PAY)	
54	CRIMINALIST CLASSIFICATION	
55	I	22,560
56	II	24,360
57	III	26,160
58	IV	27,960
59	V	31,560
60	VI	33,360
61	VII	35,160

62 (e) Each member of the West Virginia state police
63 whose salary is fixed and specified pursuant to this section
64 shall receive and is entitled to an increase in salary over
65 that set forth in subsection (d) of this section, for grade in
66 rank, based on length of service, including that service
67 served before and after the effective date of this section
68 with the West Virginia state police as follows: At the end
69 of five years of service with the West Virginia state police,
70 the member shall receive a salary increase of three hun-
71 dred dollars to be effective during his or her next three
72 years of service and a like increase at three-year intervals
73 thereafter, with the increases to be cumulative.

74 (f) In applying the salary schedules set forth in this
75 section where salary increases are provided for length of
76 service, members of the West Virginia state police in ser-
77 vice at the time the schedules become effective shall be
78 given credit for prior service and shall be paid such sala-
79 ries as the same length of service entitles them to receive
80 under the provisions of this section.

81 (g) The Legislature finds and declares that because of
82 the unique duties of members of the West Virginia state
83 police, it is not appropriate to apply the provisions of state
84 wage and hour laws to them. Accordingly, members of
85 the West Virginia state police are hereby excluded from
86 the provisions of state wage and hour law. This express
87 exclusion shall not be construed as any indication that the
88 members were or were not heretofore covered by the wage
89 and hour law prior to this exclusion.

90 In lieu of any overtime pay they might otherwise have
91 received under the wage and hour law, and in addition to
92 their salaries and increases for length of service, members
93 who have completed basic training and who are exempt
94 from federal Fair Labor Standards Act guidelines may
95 receive supplemental pay as provided in this section.

96 The superintendent shall, within thirty days after the
97 effective date of this section, promulgate a legislative rule
98 to establish the number of hours per month which consti-
99 tute the standard work month for the members of the West
100 Virginia state police. The rule shall further establish, on a
101 graduated hourly basis, the criteria for receipt of a portion
102 or all of supplemental payment when hours are worked in
103 excess of the standard work month. The legislative rule
104 shall be promulgated pursuant to the provisions of article
105 three, chapter twenty-nine-a of this code. The superinten-
106 dent shall certify monthly to the West Virginia state po-
107 lice's payroll officer the names of those members who
108 have worked in excess of the standard work month and the
109 amount of their entitlement to supplemental payment.

110 The supplemental payment may not exceed two hun-
111 dred thirty-six dollars monthly. The superintendent and
112 civilian employees of the West Virginia state police are not
113 eligible for any supplemental payments.

114 (h) Each member of the West Virginia state police,

115 except the superintendent and civilian employees, shall
 116 execute, before entering upon the discharge of his or her
 117 duties, a bond with security in the sum of five thousand
 118 dollars payable to the state of West Virginia, conditioned
 119 upon the faithful performance of his or her duties, and the
 120 bond shall be approved as to form by the attorney general
 121 and as to sufficiency by the governor.

122 (i) Any member of the West Virginia state police who
 123 is called to perform active duty for training or inactive
 124 duty training in the national guard or any reserve compo-
 125 nent of the armed forces of the United States annually
 126 shall be granted, upon request, leave time not to exceed
 127 thirty calendar days for the purpose of performing the
 128 active duty for training or inactive duty training and the
 129 time granted may not be deducted from any leave accu-
 130 mulated as a member of the West Virginia state police.

131 (j) Beginning on the first day of July, one thousand
 132 nine hundred ninety-six, and continuing thereafter mem-
 133 bers shall receive annual salaries as follows:

134	AMENDED ANNUAL SALARY SCHEDULE	
135	(BASE PAY)	
136	SUPERVISORY AND NONSUPERVISORY RANKS	
137	Cadet During Training	\$1,684 Mo. \$20,208
138	Cadet Trooper After Training . .	2,087 Mo. 25,044
139	Trooper Second Year	25,500
140	Trooper Third Year	25,872
141	Trooper Fourth & Fifth Year	26,172
142	Senior Trooper	28,260
143	Trooper First Class	30,348
144	Corporal	32,436
145	Sergeant	36,612
146	First Sergeant	38,700
147	Second Lieutenant	40,788
148	First Lieutenant	42,876
149	Captain	44,964

150 Major 47,052

151 Lieutenant Colonel 49,140

152 AMENDED ANNUAL SALARY SCHEDULE

153 (BASE PAY) ADMINISTRATION

154 SUPPORT SPECIALIST CLASSIFICATION

155 I 26,172

156 II 28,260

157 III 30,348

158 IV 32,436

159 V 36,612

160 VI 38,700

161 VII 40,788

162 VIII 42,876

163 AMENDED ANNUAL SALARY SCHEDULE

164 (BASE PAY)

165 CRIMINALIST CLASSIFICATION

166 I 26,172

167 II 28,260

168 III 30,348

169 IV 32,436

170 V 36,612

171 VI 38,700

172 VII 40,788

173 Each member of the West Virginia state police whose
174 salary is fixed and specified in the amended annual salary
175 schedules is entitled to the length of service increases set
176 forth in subsection (f) of this section and supplemental
177 pay as provided in subsection (h) of this section.

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

Randy Hillman
Chairman Senate Committee

Rudy Seacrist
Chairman House Committee

Originating in the House.

Takes effect from passage.

Parsons
Clerk of the Senate

Gregory D. Sims
Clerk of the House of Delegates

Carl Kay Tomblin
President of the Senate

Paul D. Abner
Speaker of the House of Delegates

The within is approved this the 25th
day of March, 1996.

Jefferson
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/96

Time 10:16 am