

SB 362

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



ENROLLED

SENATE BILL NO. 362

(By Senators STOMBLIN, MR. PRESIDENT AND
BUCKALEW, BY REQUEST OF THE EXECUTIVE)



PASSED MARCH 12, 1998

In Effect JULY 1, 1998 Passage

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SENATE OF WEST VIRGINIA

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Senate Bill No. 362

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND BUCKALEW,
BY REQUEST OF THE EXECUTIVE)

[Passed March 12, 1998; to take effect July 1, 1998.]

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 salaries of members of the West Virginia state police.

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

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

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

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

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

28 Cadet During Training	\$1,684 Mo.	\$20,208
29 Cadet Trooper After Training	1,799 Mo.	21,588
30 Trooper Second Year		21,984
31 Trooper Third Year		22,308
32 Trooper Fourth & Fifth Year		22,560
33 Senior Trooper		24,360

34	Trooper First Class	26,160
35	Corporal	27,960
36	Sergeant	31,560
37	First Sergeant	33,360
38	Second Lieutenant	35,160
39	First Lieutenant	36,960
40	Captain	38,760
41	Major	40,560
42	Lieutenant Colonel	42,360
43	ANNUAL SALARY SCHEDULE (BASE PAY)	
44	ADMINISTRATION	
45	SUPPORT SPECIALIST CLASSIFICATION	
46	I	22,560
47	II	24,360
48	III	26,160
49	IV	27,960
50	V	31,560
51	VI	33,360
52	VII	35,160
53	VIII	36,960
54	ANNUAL SALARY SCHEDULE (BASE PAY)	
55	CRIMINALIST CLASSIFICATION	
56	I	22,560
57	II	24,360
58	III	26,160
59	IV	27,960
60	V	31,560

61 VI 33,360
62 VII 35,160

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

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

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

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

96 receive supplemental pay as provided in this section.

97 The superintendent shall, within thirty days after the
98 effective date of this section, propose a legislative rule for
99 promulgation in accordance with article three, chapter
100 twenty-nine-a of this code, to establish the number of
101 hours per month which constitute the standard work
102 month for the members of the West Virginia state police.
103 The rule shall further establish, on a graduated hourly
104 basis, the criteria for receipt of a portion or all of supple-
105 mental payment when hours are worked in excess of the
106 standard work month. The superintendent shall certify
107 monthly to the West Virginia state police's payroll officer
108 the names of those members who have worked in excess of
109 the standard work month and the amount of their entitle-
110 ment to supplemental payment.

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

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

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

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

135 AMENDED ANNUAL SALARY SCHEDULE
136 (BASE PAY)
137 SUPERVISORY AND NONSUPERVISORY RANKS

138	Cadet During Training	.....	\$1,747 Mo.	\$20,964
139	Cadet Trooper After Training	.....	2,150 Mo.	25,800
140	Trooper Second Year	.....		26,256
141	Trooper Third Year	.....		26,628
142	Trooper Fourth & Fifth Year	.....		26,928
143	Senior Trooper	.....		29,016
144	Trooper First Class	.....		31,104
145	Corporal	.....		33,192
146	Sergeant	.....		37,368
147	First Sergeant	.....		39,456
148	Second Lieutenant	.....		41,544
149	First Lieutenant	.....		43,632
150	Captain	.....		45,720
151	Major	.....		47,808
152	Lieutenant Colonel	.....		49,896

153 AMENDED ANNUAL SALARY SCHEDULE
154 (BASE PAY) ADMINISTRATION
155 SUPPORT SPECIALIST CLASSIFICATION

156	I	.....		26,928
157	II	.....		29,016
158	III	.....		31,104
159	IV	.....		33,192

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

Randy Shover
.....
Chairman Senate Committee.

Rich Fantasia
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1998

Darrell Holmes
.....
Clerk of the Senate

Gregory W. Brock
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Frank
.....
Speaker House of Delegates

The within *approved* this the *27th*
March
day of, 1998.

Jim Becher
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/24/98

Time 3:07 pm