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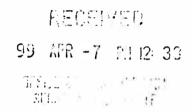
WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1999

ENROLLED

(By Senators	TOUSEN, MR. PRESIDENT, AND REQUEST OF THE EXECUTIVE)

PASSED MANCH 22, 1999
In Effect July 4 1999 Passage.



ENROLLED

Senate Bill No. 1001

(By Senators Tomblin, Mr. President, and Spouse. By Request of the Executive)

[Passed March 22, 1999; to take effect July 1, 1999.]

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 increasing 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 4 5 6 7 8 9 10	tion of members to the supervisory ranks of sergeant, first sergeant, second lieutenant and first lieutenant; the classification of nonsupervisory members within the field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the classification of members assigned to the forensic laboratory as criminalist I-VII; and the temporary reclassification of members assigned to administrative duties as administrative support specialist I-VIII.
12 13 14 15 16 17	(b) The superintendent is authorized to propose legislative rules for promulgation in accordance with article three, chapter twenty-nine-a of this code for the purpose of ensuring consistency, predictability and independent review of any system developed under the provisions of this section.
18 19 20 21 22 23 24	(c) The superintendent shall provide to each member a written manual governing any system established under the provisions of this section and specific procedures shall be identified for the evaluation and testing of members for promotion or reclassification and the subsequent placement of any members on a promotional eligibility or reclassification recommendation list.
25	(d) Members shall receive annual salaries as follows:
26 27	ANNUAL SALARY SCHEDULE (BASE PAY) SUPERVISORY AND NONSUPERVISORY RANKS
28	Cadet During Training \$1,747 Mo. \$20,964
29	Cadet Trooper After Training 2,150 Mo. 25,800
30	Trooper Second Year
31	Trooper Third Year 26,628
32	Trooper Fourth & Fifth Year 26,928
33	Senior Trooper
34	Trooper First Class
35	Corporal 33,192
36	Sergeant 37,368

salary is fixed and specified pursuant to this section shall

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- receive and is entitled to an increase in salary over that set forth in subsection (d) of this section, for grade in rank, 66 67 based on length of service, including that service served before and after the effective date of this section with the 68 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.
- (f) In applying the salary schedules set forth in this 75 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 receive under the provisions of this section. 81
 - (g) The Legislature finds and declares that because of the unique duties of members of the West Virginia state police, it is not appropriate to apply the provisions of state wage and hour laws to them. Accordingly, members of the West Virginia state police are excluded from the provisions of state wage and hour law. This express exclusion shall not be construed as any indication that the members were or were not covered by the wage and hour law prior to this exclusion.
- In lieu of any overtime pay they might otherwise have received under the wage and hour law, and in addition to 93 their salaries and increases for length of service, members who have completed basic training and who are exempt from federal Fair Labor Standards Act guidelines may 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-

105 106 107 108 109 110	mental payment when hours are worked in excess of the standard work month. The superintendent shall certify monthly to the West Virginia state police'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.
111 112 113 114	The supplemental payment may not exceed two hundred thirty-six dollars monthly. The superintendent and civilian employees of the West Virginia state police are not eligible for any supplemental payments.
115 116 117 118 119 120 121 122	(h) Each member of the West Virginia state police, except the superintendent and civilian employees, shall execute before entering upon the discharge of his or her 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 or her duties, and the bond shall be approved as to form by the attorney general and as to sufficiency by the governor.
123 124 125 126 127 128 129 130	(i) Any member of the West Virginia state police 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 the active duty for training or inactive duty training and the time granted may not be deducted from any leave accumulated as a member of the West Virginia state police.
132 133 134	(j) Beginning on the first day of July, one thousand nin hundred ninety-nine, and continuing thereafter, member shall receive annual salaries as follows:
135 136 137	AMENDED ANNUAL SALARY SCHEDULE (BASE PAY) SUPERVISORY AND NONSUPERVISORY RANKS
138	Cadet During Training\$1,913 Mo. \$22,964
139	Cadet Trooper After Training 2,316 Mo. 27,800
140	Trooper Second Year

141 Trooper Third Year 28,628

33,104

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172	VI 41,456
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174 175	salary is fixed and specified in the amended annual salary
176	schedules is entitled to the length of service increases set
177	forth in subsection (f) of this section and supplemental pay
178	as provided in subsection (g) of this section.

[Enr. S. B. No. 1001

East Pay Smiller

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

Chairman Senate Committee Chairma House Committee Originating in the Senate. To take effect July 1, 1999. Clerk of the Senate Clerk of the House of Delegates Presiden. Auge Senate Speaker House of Delegates



PRESENTED TO THE

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Date______

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