

SB 1001

RECEIVED

99 APR -7 09 12 33

OFFICE OF THE CLERK  
WEST VIRGINIA LEGISLATURE

# WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1999



## ENROLLED

SENATE BILL NO. 1001

(By Senators Toublin, Mr. President, and SPROUSE, By Request of the Executive)



PASSED MARCH 22, 1999

In Effect July 4, 1999 Passage

RECEIVED

99 APR -7 PM 12:33

OFFICE OF THE CLERK  
SENATE

**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 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 . . . . .	\$1,747 Mo.	\$20,964
29	Cadet Trooper After Training . . .	2,150 Mo.	25,800
30	Trooper Second Year . . . . .		26,256
31	Trooper Third Year . . . . .		26,628
32	Trooper Fourth & Fifth Year . . . . .		26,928
33	Senior Trooper . . . . .		29,016
34	Trooper First Class . . . . .		31,104
35	Corporal . . . . .		33,192
36	Sergeant . . . . .		37,368

37	First Sergeant .....	39,456
38	Second Lieutenant .....	41,544
39	First Lieutenant .....	43,632
40	Captain .....	45,720
41	Major .....	47,808
42	Lieutenant Colonel .....	49,896

43           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
44                           **ADMINISTRATION**  
45                           **SUPPORT SPECIALIST CLASSIFICATION**

46	I .....	26,928
47	II .....	29,016
48	III .....	31,104
49	IV .....	33,192
50	V .....	37,368
51	VI .....	39,456
52	VII .....	41,544
53	VIII .....	43,632

54           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
55                           **CRIMINALIST CLASSIFICATION**

56	I .....	26,928
57	II .....	29,016
58	III .....	31,104
59	IV .....	33,192
60	V .....	37,368
61	VI .....	39,456
62	VII .....	41,544

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 the  
83 unique duties of members of the West Virginia state police,  
84 it is not appropriate to apply the provisions of state wage  
85 and hour laws to them. Accordingly, members of the West  
86 Virginia state police are excluded from the provisions of  
87 state wage and hour law. This express exclusion shall not  
88 be construed as any indication that the members were or  
89 were not covered by the wage and hour law prior to this  
90 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, except  
 116 the superintendent and civilian employees, shall execute,  
 117 before entering upon the discharge of his or her duties, a  
 118 bond with security in the sum of five thousand dollars  
 119 payable to the state of West Virginia, conditioned upon the  
 120 faithful performance of his or her duties, and the bond  
 121 shall be approved as to form by the attorney general and  
 122 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 of  
 126 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-nine, 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 . . . . .	\$1,913 Mo. \$22,964
139	Cadet Trooper After Training . .	2,316 Mo. 27,800
140	Trooper Second Year . . . . .	28,256
141	Trooper Third Year . . . . .	28,628

142	Trooper Fourth & Fifth Year	28,928
143	Senior Trooper	31,016
144	Trooper First Class	33,104
145	Corporal	35,192
146	Sergeant	39,368
147	First Sergeant	41,456
148	Second Lieutenant	43,544
149	First Lieutenant	45,632
150	Captain	47,720
151	Major	49,808
152	Lieutenant Colonel	51,896

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

156	I	28,928
157	II	31,016
158	III	33,104
159	IV	35,192
160	V	39,368
161	VI	41,456
162	VII	43,544
163	VIII	45,632

164           AMENDED ANNUAL SALARY SCHEDULE  
 165           (BASE PAY)  
 166           CRIMINALIST CLASSIFICATION

167	I	28,928
168	II	31,016
169	III	33,104

170 IV ..... 35,192

171 V ..... 39,368

172 VI ..... 41,456

173 VII ..... 43,544

174 Each member of the West Virginia state police whose

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.

*Carl Ray*



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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originating in the Senate.

To take effect July 1, 1999.

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

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

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

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

The within *approval* ..... this the *7th*  
*April* ..... 1999  
*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 10:10 am