WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2002

ENROLLED

SENATE BILL NO. 164

(By Senators Tomblin, Mr. President, and Sowerce)

PASSED March 9, 2002

In Effect July 1, 2002
ENROLLED

Senate Bill No. 164

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

[Passed March 9, 2002; to take effect July 1, 2002.]

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 an increase in the annual base salary of all sworn state police personnel by eight hundred four dollars, effective on the first day of July, two thousand two.

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.
(a) The superintendent shall establish within the West Virginia state police a system to provide for: The promotion 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.

(b) The superintendent may 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.

(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.

(d) Beginning on the first day of July, two thousand two, and continuing thereafter, members shall receive annual salaries as follows:

<table>
<thead>
<tr>
<th>ANNUAL SALARY SCHEDULE (BASE PAY)</th>
<th>SUPERVISORY AND NONSUPERVISORY RANKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadet During Training</td>
<td>$2,106 Mo.</td>
</tr>
<tr>
<td>Cadet Trooper After Training</td>
<td>$2,509 Mo.</td>
</tr>
<tr>
<td>Trooper Second Year</td>
<td>$25,272</td>
</tr>
<tr>
<td>Trooper Third Year</td>
<td>$30,108</td>
</tr>
<tr>
<td>Trooper Fourth &amp; Fifth Year</td>
<td>$30,572</td>
</tr>
<tr>
<td>Senior Trooper</td>
<td>$30,944</td>
</tr>
<tr>
<td>Trooper First Class</td>
<td>$31,244</td>
</tr>
<tr>
<td></td>
<td>$33,332</td>
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<tr>
<td></td>
<td>$35,420</td>
</tr>
</tbody>
</table>
Corporal ............................... 37,508
Sergeant ................................ 41,684
First Sergeant ......................... 43,772
Second Lieutenant ..................... 45,860
First Lieutenant ...................... 47,948
Captain ................................ 50,036
Major .................................. 52,124
Lieutenant Colonel ..................... 54,212

ANNUAL SALARY SCHEDULE (BASE PAY)
ADMINISTRATION SUPPORT
SPECIALIST CLASSIFICATION

I ........................................ 31,244
II ...................................... 33,332
III .................................... 35,420
IV ..................................... 37,508
V ....................................... 41,684
VI ..................................... 43,772
VII .................................... 45,860
VIII .................................... 47,948

ANNUAL SALARY SCHEDULE (BASE PAY)
CRIMINALIST CLASSIFICATION

I ........................................ 31,244
II ...................................... 33,332
III .................................... 35,420
IV ..................................... 37,508
V ....................................... 41,684
VI ..................................... 43,772
VII .................................... 45,860

Each member of the West Virginia state police whose
salary is fixed and specified in this annual salary schedule
is entitled to the length of service increases set forth in
subsection (e) of this section and supplemental pay as
provided in subsection (g) of this section.

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

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

(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 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.

The superintendent shall, within thirty days after the effective date of this section, propose a legislative rule for promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the number of
hours per month which constitute the standard work month for the members of the West Virginia state police. The rule shall further establish, on a graduated hourly basis, the criteria for receipt of a portion or all of supplemental 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. 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.

(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.

(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.
The 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, 2002.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ....... day of ... March ......................... 2002.

Governor