

SB 164

FILED
2002 MAR 29 P 4:22
OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2002

ENROLLED

SENATE BILL NO. 164

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

PASSED MARCH 9, 2002

In Effect JULY 1, 2002 **PASSAGE**

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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.

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 I-
 9 VII; and the temporary reclassification of members
 10 assigned to administrative duties as administrative
 11 support specialist I-VIII.

12 (b) The superintendent may propose legislative rules for
 13 promulgation 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) Beginning on the first day of July, two thousand two,
 25 and continuing thereafter, members shall receive annual
 26 salaries as follows:

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

29	Cadet During Training	\$2,106 Mo.	\$25,272
30	Cadet Trooper After Training . . .	2,509 Mo.	30,108
31	Trooper Second Year		30,572
32	Trooper Third Year		30,944
33	Trooper Fourth & Fifth Year		31,244
34	Senior Trooper		33,332
35	Trooper First Class		35,420

36	Corporal	37,508
37	Sergeant	41,684
38	First Sergeant	43,772
39	Second Lieutenant	45,860
40	First Lieutenant	47,948
41	Captain	50,036
42	Major	52,124
43	Lieutenant Colonel	54,212

44 ANNUAL SALARY SCHEDULE (BASE PAY)

45 ADMINISTRATION SUPPORT

46 SPECIALIST CLASSIFICATION

47	I	31,244
48	II	33,332
49	III	35,420
50	IV	37,508
51	V	41,684
52	VI	43,772
53	VII	45,860
54	VIII	47,948

55 ANNUAL SALARY SCHEDULE (BASE PAY)

56 CRIMINALIST CLASSIFICATION

57	I	31,244
58	II	33,332
59	III	35,420
60	IV	37,508
61	V	41,684
62	VI	43,772
63	VII	45,860

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

69 (e) Each member of the West Virginia state police whose
 70 salary is fixed and specified pursuant to this section shall

71 receive, and is entitled to, an increase in salary over that
72 set forth in subsection (d) of this section, for grade in rank,
73 based on length of service, including that service served
74 before and after the effective date of this section with the
75 West Virginia state police as follows: At the end of five
76 years of service with the West Virginia state police, the
77 member shall receive a salary increase of six hundred
78 dollars to be effective during his or her next three years of
79 service and a like increase at three-year intervals thereaf-
80 ter, with the increases to be cumulative.

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

88 (g) The Legislature finds and declares that because of the
89 unique duties of members of the West Virginia state police,
90 it is not appropriate to apply the provisions of state wage
91 and hour laws to them. Accordingly, members of the West
92 Virginia state police are excluded from the provisions of
93 state wage and hour law. This express exclusion shall not
94 be construed as any indication that the members were or
95 were not covered by the wage and hour law prior to this
96 exclusion.

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

103 The superintendent shall, within thirty days after the
104 effective date of this section, propose a legislative rule for
105 promulgation in accordance with article three, chapter
106 twenty-nine-a of this code to establish the number of

107 hours per month which constitute the standard work
108 month for the members of the West Virginia state police.
109 The rule shall further establish, on a graduated hourly
110 basis, the criteria for receipt of a portion or all of supple-
111 mental payment when hours are worked in excess of the
112 standard work month. The superintendent shall certify
113 monthly to the West Virginia state police's payroll officer
114 the names of those members who have worked in excess of
115 the standard work month and the amount of their entitle-
116 ment to supplemental payment. The supplemental pay-
117 ment may not exceed two hundred thirty-six dollars
118 monthly. The superintendent and civilian employees of
119 the West Virginia state police are not eligible for any
120 supplemental payments.

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

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

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

Lucy Murr
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2002.

Russell G. Glick
.....
Clerk of the Senate

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

Carl Ray Tomblin
.....
President of the Senate

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

The within *is approved* this the *20th*
Day of *March*, 2002.

Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/02

Time 9:50 am