

FILED

2005 SEP 28 P 4: 20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FOURTH EXTRAORDINARY SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 413

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed September 13, 2005

In Effect November 1, 2005

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H. B. 413

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed September 13, 2005; in effect November 1, 2005.]

AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to providing an increase in the annual base salary of all sworn state police personnel.

Be it enacted by the Legislature of West Virginia:

That §15-2-5 of the Code of West Virginia, 1931, 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; legislative rule; 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 promotion of
3 members to the supervisory ranks of sergeant, first sergeant,
4 second lieutenant and first lieutenant; the classification of
5 nonsupervisory members within the field operations force to the
6 ranks of trooper, senior trooper, trooper first class or corporal;
7 the classification of members assigned to the forensic labora-
8 tory as criminalist I-VII; and the temporary reclassification of
9 members assigned to administrative duties as administrative
10 support specialist I-VIII.

11 (b) The Superintendent may propose legislative rules for
12 promulgation in accordance with article three, chapter
13 twenty-nine-a of this code for the purpose of ensuring consis-
14 tency, predictability and independent review of any system
15 developed under the provisions of this section.

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

23 (d) Beginning on the first day of November, two thousand
24 five, and continuing thereafter, members shall receive annual
25 salaries as follows:

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

28	Cadet During Training	\$2,218.50 Mo.	\$26,622
29	Cadet Trooper After Training	2,621.50 Mo.	31,458
30	Trooper Second Year		31,922
31	Trooper Third Year		32,294
32	Trooper Fourth & Fifth Year		32,594

33	Senior Trooper	34,682
34	Trooper First Class	36,770
35	Corporal	38,858
36	Sergeant	43,034
37	First Sergeant	45,122
38	Second Lieutenant	47,210
39	First Lieutenant	49,298
40	Captain	51,386
41	Major	53,474
42	Lieutenant Colonel	55,562

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

46	I	32,594
47	II	34,682
48	III	36,770
49	IV	38,858
50	V	43,034
51	VI	45,122
52	VII	47,210
53	VIII	49,298

54 ANNUAL SALARY SCHEDULE (BASE PAY)
55 CRIMINALIST CLASSIFICATION

56	I	32,594
57	II	34,682
58	III	36,770
59	IV	38,858
60	V	43,044
61	VI	45,122
62	VII	47,210

63 Each member of the West Virginia State Police whose
64 salary is fixed and specified in this annual salary schedule is

65 entitled to the length of service increases set forth in subsection
66 (e) of this section and supplemental pay as provided in subsec-
67 tion (g) of this section.

68 (e) Each member of the West Virginia State Police whose
69 salary is fixed and specified pursuant to this section shall
70 receive, and is entitled to, an increase in salary over that set
71 forth in subsection (d) of this section, for grade in rank, based
72 on length of service, including that service served before and
73 after the effective date of this section with the West Virginia
74 State Police as follows: At the end of five years of service with
75 the West Virginia State Police, the member shall receive a
76 salary increase of six hundred dollars to be effective during his
77 or her next three years of service and a like increase at
78 three-year intervals thereafter, with the increases to be cumula-
79 tive.

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

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

94 In lieu of any overtime pay they might otherwise have
95 received under the wage and hour law, and in addition to their
96 salaries and increases for length of service, members who have
97 completed basic training and who are exempt from federal Fair

98 Labor Standards Act guidelines may receive supplemental pay
99 as provided in this section.

100 The authority of the Superintendent to propose a legislative
101 rule or amendment thereto for promulgation in accordance with
102 article three, chapter twenty-nine-a of this code to establish the
103 number of hours per month which constitute the standard work
104 month for the members of the West Virginia State Police is
105 hereby continued. The rule shall further establish, on a gradu-
106 ated hourly basis, the criteria for receipt of a portion or all of
107 supplemental payment when hours are worked in excess of the
108 standard work month. The Superintendent shall certify monthly
109 to the West Virginia State Police's payroll officer the names of
110 those members who have worked in excess of the standard
111 work month and the amount of their entitlement to supplemen-
112 tal payment. The supplemental payment may not exceed two
113 hundred thirty-six dollars monthly. The Superintendent and
114 civilian employees of the West Virginia State Police are not
115 eligible for any supplemental payments.

116 (h) Each member of the West Virginia State Police, except
117 the Superintendent and civilian employees, shall execute,
118 before entering upon the discharge of his or her duties, a bond
119 with security in the sum of five thousand dollars payable to the
120 State of West Virginia, conditioned upon the faithful perfor-
121 mance of his or her duties, and the bond shall be approved as to
122 form by the Attorney General and as to sufficiency by the
123 Governor.

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

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



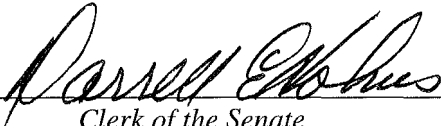
Chairman Senate Committee



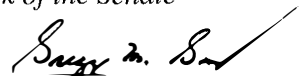
Chairman House Committee

Originating in the House.

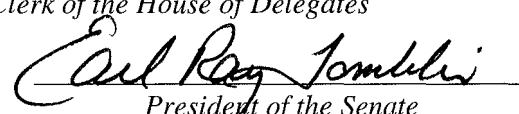
In effect November 1, 2005.



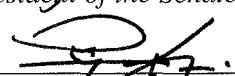
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of September, 2005.



Governor

PRESENTED TO THE
GOVERNOR

Date 9/16/05

Time 4:25 pm