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OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006

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**ENROLLED**

SENATE BILL NO. 503

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

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PASSED March 11, 2006

In Effect July 1, 2006 ~~Passage~~

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 503

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

[Passed March 11, 2006; to take effect July 1, 2006.]

AN ACT to amend and reenact §15-2-4 and §15-2-5 of the Code of West Virginia, 1931, as amended, relating to the appointment, temporary promotion and compensation of the membership of the West Virginia State Police; providing for the temporary promotion from the membership of the executive protection section of the West Virginia State Police; providing annual salary schedules and adjusting annual experience increment pay for the West Virginia State Police; and authorizing recovery of compensation from certain members.

*Be it enacted by the Legislature of West Virginia:*

That §15-2-4 and §15-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### ARTICLE 2. WEST VIRGINIA STATE POLICE.

**§15-2-4. Appointment of commissioned officers, noncommissioned officers, other members; temporary and permanent positions.**

1 (a) The superintendent shall appoint, from the enlisted  
2 membership of the State Police, a deputy superintendent  
3 who shall hold the rank of lieutenant colonel and be next  
4 in authority to the superintendent. The superintendent  
5 shall appoint, from the enlisted membership of the State  
6 Police, the number of other officers and members he or she  
7 considers necessary to operate and maintain the executive  
8 offices, training school and forensic laboratory; and to  
9 keep records relating to crimes and criminals, coordinate  
10 traffic safety activities, maintain a system of supplies and  
11 accounting and perform other necessary services.

12 (b) The ranks within the membership of the State Police  
13 shall be colonel, lieutenant colonel, major, captain, first  
14 lieutenant, second lieutenant, first sergeant, sergeant,  
15 corporal, trooper first class, senior trooper, trooper or  
16 cadet trooper. Each member while in uniform shall wear  
17 the insignia of rank as provided by law and written State  
18 Police policies. Members assigned to the forensic labora-  
19 tory shall hold the title of trooper, be classified as  
20 criminalists and wear the insignia of classification as  
21 provided by written State Police policies.

22 The superintendent may appoint from the membership  
23 of the State Police seventeen principal supervisors who  
24 shall receive the compensation and hold the temporary  
25 rank of lieutenant colonel, major or captain at the will and  
26 pleasure of the superintendent. The superintendent may  
27 also appoint from the membership of the executive  
28 protection section of the State Police two additional  
29 supervisors who shall receive the compensation and hold  
30 the temporary rank of first lieutenant and serve at the will  
31 and pleasure of the superintendent. Appointments are  
32 exempt from any eligibility requirements established by  
33 the career progression system: *Provided*, That any member  
34 appointed from within the executive protection section of  
35 the State Police to the temporary rank of first lieutenant  
36 must have completed a minimum of two years service  
37 within the executive protection section prior to becoming

38 eligible for such appointment. Any person appointed to a  
39 temporary rank under the provisions of this article re-  
40 mains eligible for promotion or reclassification under the  
41 provisions of the career progression system if his or her  
42 permanent rank is below that of first lieutenant. Upon the  
43 termination of a temporary appointment by the superin-  
44 tendent, the member may not be reduced to a rank or  
45 classification below his or her permanent rank or classifi-  
46 cation, unless the reduction results from disciplinary  
47 action, and remains eligible for subsequent appointment  
48 to a temporary rank.

**§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 November, two thou-  
25 sand five, and continuing until and including the thirtieth  
26 day of June, two thousand six, members shall receive  
27 annual salaries as follows:

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

30	Cadet During Training . . . . .	\$2,218.50 Mo.	\$26,622
31	Cadet Trooper After Training ..	2,621.50 Mo.	31,458
32	Trooper Second Year . . . . .		31,922
33	Trooper Third Year . . . . .		32,294
34	Trooper Fourth & Fifth Year . . . . .		32,594
35	Senior Trooper . . . . .		34,682
36	Trooper First Class . . . . .		36,770
37	Corporal . . . . .		38,858
38	Sergeant . . . . .		43,034
39	First Sergeant . . . . .		45,122
40	Second Lieutenant . . . . .		47,210
41	First Lieutenant . . . . .		49,298
42	Captain . . . . .		51,386
43	Major . . . . .		53,474
44	Lieutenant Colonel . . . . .		55,562

45 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
46 **ADMINISTRATION SUPPORT**  
47 **SPECIALIST CLASSIFICATION**

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

56 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 57 **CRIMINALIST CLASSIFICATION**

58	I .....	\$32,594
59	II .....	34,682
60	III .....	36,770
61	IV .....	38,858
62	V .....	43,044
63	VI .....	45,122
64	VII .....	47,210
65	VIII .....	49,298

66 Beginning on the first day of July, two thousand six, and  
 67 continuing until and including the thirtieth day of June,  
 68 two thousand seven, members shall receive annual salaries  
 69 as follows:

70 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 71 **SUPERVISORY AND NONSUPERVISORY RANKS**

72	Cadet During Training .....	\$2,343.50 Mo.	\$28,122
73	Cadet Trooper After Training ..	2,913.17 Mo.	34,958
74	Trooper Second Year .....		36,922
75	Trooper Third Year .....		37,294
76	Senior Trooper .....		37,682
77	Trooper First Class .....		38,270
78	Corporal .....		38,858
79	Sergeant .....		43,034
80	First Sergeant .....		45,122
81	Second Lieutenant .....		47,210
82	First Lieutenant .....		49,298
83	Captain .....		51,386
84	Major .....		53,474
85	Lieutenant Colonel .....		55,562

86 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 87 **ADMINISTRATION SUPPORT**  
 88 **SPECIALIST CLASSIFICATION**

89	I .....	\$37,294
90	II .....	37,682

91	III .....	38,270
92	IV .....	38,858
93	V .....	43,034
94	VI .....	45,122
95	VII .....	47,210
96	VIII .....	49,298

97           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 98                           **CRIMINALIST CLASSIFICATION**

99	I .....	\$37,294
100	II .....	37,682
101	III .....	38,270
102	IV .....	38,858
103	V .....	43,044
104	VI .....	45,122
105	VII .....	47,210
106	VIII .....	49,298

107       Beginning on the first day of July, two thousand seven,  
 108       until and including the thirtieth day of June, two thousand  
 109       eight, members shall receive annual salaries as follows:

110           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 111                           **SUPERVISORY AND NONSUPERVISORY RANKS**

112	Cadet During Training .....	\$2,468.50 Mo.	\$29,622
113	Cadet Trooper After Training .....	3,038.17 Mo.	36,458
114	Trooper Second Year .....		37,922
115	Trooper Third Year .....		38,294
116	Senior Trooper .....		38,682
117	Trooper First Class .....		39,270
118	Corporal .....		39,858
119	Sergeant .....		44,034
120	First Sergeant .....		46,122
121	Second Lieutenant .....		48,210
122	First Lieutenant .....		50,298
123	Captain .....		52,386
124	Major .....		54,474
125	Lieutenant Colonel .....		56,562

126 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 127 **ADMINISTRATION SUPPORT**  
 128 **SPECIALIST CLASSIFICATION**

129	I .....	\$38,294
130	II .....	38,682
131	III .....	39,270
132	IV .....	39,858
133	V .....	44,034
134	VI .....	46,122
135	VII .....	48,210
136	VIII .....	50,298

137 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 138 **CRIMINALIST CLASSIFICATION**

139	I .....	\$38,294
140	II .....	38,682
141	III .....	39,270
142	IV .....	39,858
143	V .....	44,044
144	VI .....	46,122
145	VII .....	48,210
146	VIII .....	50,298

147 Beginning on the first day of July, two thousand eight,  
 148 and continuing thereafter, members shall receive annual  
 149 salaries as follows:

150 **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 151 **SUPERVISORY AND NONSUPERVISORY RANKS**

152	Cadet During Training .....	\$2,593.50 Mo.	\$31,122
153	Cadet Trooper After Training ..	3,163.17 Mo.	37,958
154	Trooper Second Year .....		38,922
155	Trooper Third Year .....		39,294
156	Senior Trooper .....		39,682
157	Trooper First Class .....		40,270
158	Corporal .....		40,858
159	Sergeant .....		45,034
160	First Sergeant .....		47,122



161	Second Lieutenant .....	49,210
162	First Lieutenant .....	51,298
163	Captain .....	53,386
164	Major .....	55,474
165	Lieutenant Colonel .....	57,562

166           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 167                     **ADMINISTRATION SUPPORT**  
 168                     **SPECIALIST CLASSIFICATION**

169	I .....	\$39,294
170	II .....	39,682
171	III .....	40,270
172	IV .....	40,858
173	V .....	45,034
174	VI .....	47,122
175	VII .....	49,210
176	VIII .....	51,298

177           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 178                     **CRIMINALIST CLASSIFICATION**

179	I .....	\$39,294
180	II .....	39,682
181	III .....	40,270
182	IV .....	40,858
183	V .....	45,034
184	VI .....	47,122
185	VII .....	49,210
186	VIII .....	51,298

187       Each member of the West Virginia State Police whose  
 188 salary is fixed and specified in this annual salary schedule  
 189 is entitled to the length of service increases set forth in  
 190 subsection (e) of this section and supplemental pay as  
 191 provided in subsection (g) of this section.

192       (e) Each member of the West Virginia State Police whose  
 193 salary is fixed and specified pursuant to this section shall  
 194 receive, and is entitled to, an increase in salary over that  
 195 set forth in subsection (d) of this section, for grade in rank,

196 based on length of service, including that service served  
197 before and after the effective date of this section with the  
198 West Virginia State Police as follows: At the end of two  
199 years of service with the West Virginia State Police, the  
200 member shall receive a salary increase of four hundred  
201 dollars to be effective during his or her next year of service  
202 and a like increase at yearly intervals thereafter, with the  
203 increases to be cumulative.

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

211 (g) The Legislature finds and declares that because of the  
212 unique duties of members of the West Virginia State  
213 Police, it is not appropriate to apply the provisions of state  
214 wage and hour laws to them. Accordingly, members of the  
215 West Virginia State Police are excluded from the provi-  
216 sions of state wage and hour law. This express exclusion  
217 shall not be construed as any indication that the members  
218 were or were not covered by the wage and hour law prior  
219 to this exclusion.

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

226 The authority of the superintendent to propose a legisla-  
227 tive rule or amendment thereto for promulgation in  
228 accordance with article three, chapter twenty-nine-a of  
229 this code to establish the number of hours per month  
230 which constitute the standard work month for the mem-  
231 bers of the West Virginia State Police is hereby continued.

232 The rule shall further establish, on a graduated hourly  
233 basis, the criteria for receipt of a portion or all of supple-  
234 mental payment when hours are worked in excess of the  
235 standard work month. The superintendent shall certify  
236 monthly to the West Virginia State Police's payroll officer  
237 the names of those members who have worked in excess of  
238 the standard work month and the amount of their entitle-  
239 ment to supplemental payment. The supplemental pay-  
240 ment may not exceed two hundred thirty-six dollars  
241 monthly. The superintendent and civilian employees of  
242 the West Virginia State Police are not eligible for any  
243 supplemental payments.

244 (h) Each member of the West Virginia State Police,  
245 except the superintendent and civilian employees, shall  
246 execute, before entering upon the discharge of his or her  
247 duties, a bond with security in the sum of five thousand  
248 dollars payable to the State of West Virginia, conditioned  
249 upon the faithful performance of his or her duties, and the  
250 bond shall be approved as to form by the Attorney General  
251 and as to sufficiency by the Governor.

252 (i) In consideration for compensation paid by the West  
253 Virginia State Police to its members during those mem-  
254 bers' participation in the West Virginia State Police Cadet  
255 Training Program pursuant to section eight, article  
256 twenty-nine, chapter thirty of this code, the West Virginia  
257 State Police may require of its members by written  
258 agreement entered into with each of them in advance of  
259 such participation in the program that, if a member should  
260 voluntarily discontinue employment any time within one  
261 year immediately following completion of the training  
262 program, he or she shall be obligated to pay to the West  
263 Virginia State Police a pro rata portion of such compensa-  
264 tion equal to that part of such year which the member has  
265 chosen not to remain in the employ of the West Virginia  
266 State Police.

267 (j) Any member of the West Virginia State Police who is  
268 called to perform active duty training or inactive duty

269 training in the National Guard or any reserve component  
270 of the Armed Forces of the United States annually shall be  
271 granted, upon request, leave time not to exceed thirty  
272 calendar days for the purpose of performing the active  
273 duty training or inactive duty training and the time  
274 granted may not be deducted from any leave accumulated  
275 as a member of the West Virginia State Police.

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

*C. Randy White*  
.....  
Chairman Senate Committee

*R. Bean*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2006.

*Harrell Gibbs*  
.....  
Clerk of the Senate

*Bryce W. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Jordan*  
.....  
President of the Senate

*Frank J. ...*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *5th* .....  
Day of *April* ....., 2006.

*Paul Hancock*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 27 2006

Time 9:10am