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SB 1002 S

FILED

2007 APR -4 PM 3: 55

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**FIRST EXTRAORDINARY SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 1002**

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

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[Passed March 18, 2007; to take effect July 1, 2007.]

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AN ACT to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to the compensation of the membership of the West Virginia State Police.

*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**

**wages 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  
3 promotion of members to the supervisory ranks of  
4 sergeant, first sergeant, second lieutenant and first  
5 lieutenant; the classification of nonsupervisory members  
6 within the field operations force to the ranks of trooper,  
7 senior trooper, trooper first class or corporal; the  
8 classification of members assigned to the forensic  
9 laboratory as criminalist I-VII; and the temporary  
10 reclassification of members assigned to administrative  
11 duties as administrative support specialist I-VIII.

12 (b) The superintendent may propose legislative rules  
13 for promulgation in accordance with article three,  
14 chapter twenty-nine-a of this code for the purpose of  
15 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  
19 a written manual governing any system established  
20 under the provisions of this section and specific  
21 procedures shall be identified for the evaluation and  
22 testing of members for promotion or reclassification and  
23 the subsequent placement of any members on a  
24 promotional eligibility or reclassification  
25 recommendation list.

26 (d) Beginning on the first day of November, two  
27 thousand five, and continuing until and including the  
28 thirtieth day of June, two thousand six, members shall  
29 receive annual salaries as follows:

30           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 31           **SUPERVISORY AND NONSUPERVISORY**  
 32           **RANKS**

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

48           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 49           **ADMINISTRATION SUPPORT**  
 50           **SPECIALIST CLASSIFICATION**

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

59 ANNUAL SALARY SCHEDULE (BASE PAY)  
60 CRIMINALIST CLASSIFICATION

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

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

73 ANNUAL SALARY SCHEDULE (BASE PAY)  
74 SUPERVISORY AND NONSUPERVISORY RANKS

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

89           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 90                   **ADMINISTRATION SUPPORT**  
 91                   **SPECIALIST CLASSIFICATION**

92	I .....	\$37,294
93	II .....	37,682
94	III .....	38,270
95	IV .....	38,858
96	V .....	43,034
97	VI .....	45,122
98	VII .....	47,210
99	VIII .....	49,298

100           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 101                   **CRIMINALIST CLASSIFICATION**

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

110           Beginning on the first day of July, two thousand  
 111           seven, until and including the thirtieth day of June, two  
 112           thousand eight, members shall receive annual salaries as  
 113           follows:

114           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 115           **SUPERVISORY AND NONSUPERVISORY RANKS**

116           Cadet During Training ..... \$2,550.50 Mo. \$ 30,606

117	Cadet Trooper After Training ..	3,138.17 Mo.	37,658
118	Trooper Second Year .....		39,122
119	Trooper Third Year .....		39,494
120	Senior Trooper .....		39,882
121	Trooper First Class .....		40,470
122	Corporal .....		41,058
123	Sergeant .....		45,234
124	First Sergeant .....		47,322
125	Second Lieutenant .....		49,410
126	First Lieutenant .....		51,498
127	Captain .....		53,586
128	Major .....		55,674
129	Lieutenant Colonel .....		57,762

130           **ANNUAL SALARY SCHEDULE (BASE PAY)**

131                   **ADMINISTRATION SUPPORT**

132                   **SPECIALIST CLASSIFICATION**

133	I .....	\$	39,494
134	II .....		39,882
135	III .....		40,470
136	IV .....		41,058
137	V .....		45,234
138	VI .....		47,322
139	VII .....		49,410
140	VIII .....		51,498

141           **ANNUAL SALARY SCHEDULE (BASE PAY)**

142                   **CRIMINALIST CLASSIFICATION**

143	I .....	\$	39,494
144	II .....		39,882
145	III .....		40,470
146	IV .....		41,058

147	V .....	45,244
148	VI .....	47,322
149	VII .....	49,410
150	VIII .....	51,498

151     Beginning on the first day of July, two thousand eight,  
 152     and continuing thereafter, members shall receive annual  
 153     salaries as follows:

154             **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 155             **SUPERVISORY AND NONSUPERVISORY RANKS**

156	Cadet During Training .....	\$2,675.50 Mo.	\$32,106
157	Cadet Trooper After Training ..	3,263.17 Mo.	39,158
158	Trooper Second Year .....		40,122
159	Trooper Third Year .....		40,494
160	Senior Trooper .....		40,882
161	Trooper First Class .....		41,470
162	Corporal .....		42,058
163	Sergeant .....		46,234
164	First Sergeant .....		48,322
165	Second Lieutenant .....		50,410
166	First Lieutenant .....		52,498
167	Captain .....		54,586
168	Major .....		56,674
169	Lieutenant Colonel .....		58,762

170             **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 171             **ADMINISTRATION SUPPORT**  
 172             **SPECIALIST CLASSIFICATION**

173	I .....	\$ 40,494
174	II .....	40,882
175	III .....	41,470

176	IV	42,058
177	V	46,234
178	VI	48,322
179	VII	50,410
180	VIII	52,498

181           **ANNUAL SALARY SCHEDULE (BASE PAY)**  
 182           **CRIMINALIST CLASSIFICATION**

183	I	\$40,494
184	II	40,882
185	III	41,470
186	IV	42,058
187	V	46,234
188	VI	48,322
189	VII	50,410
190	VIII	52,498

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

196       (e) Each member of the West Virginia State Police  
 197 whose salary is fixed and specified pursuant to this  
 198 section shall receive, and is entitled to, an increase in  
 199 salary over that set forth in subsection (d) of this section  
 200 for grade in rank, based on length of service, including  
 201 that service served before and after the effective date of  
 202 this section with the West Virginia State Police as  
 203 follows: At the end of two years of service with the West  
 204 Virginia State Police, the member shall receive a salary  
 205 increase of four hundred dollars to be effective during  
 206 his or her next year of service and a like increase at

207 yearly intervals thereafter, with the increases to be  
208 cumulative.

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

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

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

232 The authority of the superintendent to propose a  
233 legislative rule or amendment thereto for promulgation  
234 in accordance with article three, chapter twenty-nine-a  
235 of this code to establish the number of hours per month  
236 which constitute the standard work month for the  
237 members of the West Virginia State Police is hereby  
238 continued. The rule shall further establish, on a

239 graduated hourly basis, the criteria for receipt of a  
240 portion or all of supplemental payment when hours are  
241 worked in excess of the standard work month. The  
242 superintendent shall certify monthly to the West  
243 Virginia State Police's payroll officer the names of those  
244 members who have worked in excess of the standard  
245 work month and the amount of their entitlement to  
246 supplemental payment. The supplemental payment may  
247 not exceed two hundred thirty-six dollars monthly. The  
248 superintendent and civilian employees of the West  
249 Virginia State Police are not eligible for any  
250 supplemental payments.

251 (h) Each member of the West Virginia State Police,  
252 except the superintendent and civilian employees, shall  
253 execute, before entering upon the discharge of his or her  
254 duties, a bond with security in the sum of five thousand  
255 dollars payable to the State of West Virginia,  
256 conditioned upon the faithful performance of his or her  
257 duties, and the bond shall be approved as to form by the  
258 Attorney General and as to sufficiency by the Governor.

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

273 employ of the West Virginia State Police.

274 (j) Any member of the West Virginia State Police who  
275 is called to perform active duty training or inactive duty  
276 training in the National Guard or any reserve  
277 component of the armed forces of the United States  
278 annually shall be granted, upon request, leave time not  
279 to exceed thirty calendar days for the purpose of  
280 performing the active duty training or inactive duty  
281 training and the time granted may not be deducted from  
282 any leave accumulated as a member of the West Virginia  
283 State Police.

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

*Ch White*  
.....  
Chairman Senate Committee

*JL*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2007.

*Daniel G. Palmer*  
.....  
Clerk of the Senate

*Gregg D. Seal*  
.....  
Clerk of the House of Delegates

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

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

The within *is approved* ..... this  
the *4<sup>th</sup>* Day of *April* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 02 2007

Time 9:00am