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WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2010

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 89

(SENATOR KESSLER, *original sponsor*)

[Passed March 4, 2010; in effect ninety days from passage.]

SB 89

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 89

(SENATOR KESSLER, *original sponsor*)

[Passed March 4, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §8-14-6 and §8-14-17 of the Code of West Virginia, 1931, as amended, all relating to paid police departments; and establishing that chiefs or deputy chiefs of police are to return to their previously held position within the paid police department following expiration of term as chief or deputy chief.

Be it enacted by the Legislature of West Virginia:

That §8-14-6 and §8-14-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING; POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

PART V. CIVIL SERVICE FOR CERTAIN
POLICE DEPARTMENTS.

§8-14-6. Qualifications for appointment or promotion to positions in certain paid police departments to be ascertained by examination; provisions exclusive as to appointments, etc.; definitions.

1 (a) All appointments and promotions to all positions in
2 all paid police departments of Class I and Class II cities
3 shall be made only according to qualifications and fitness
4 to be ascertained by examinations, which, so far as
5 practicable, shall be competitive, as hereinafter provided.

6 (b) No individual, except the chief or deputy chiefs of
7 police, if the position of deputy chief of police has been
8 previously created by the city council of that Class I or
9 Class II city, may be appointed, promoted, reinstated,
10 removed, discharged, suspended or reduced in rank or pay
11 as a paid member of a paid police department, regardless
12 of rank or position, of any Class I or Class II city in any
13 manner or by any means other than those prescribed in the
14 following sections of this article: *Provided*, That an
15 individual appointed chief or deputy chief of police who
16 held a position as a member of a paid police department in
17 that police department before the appointment as chief or
18 deputy chief of police shall be reinstated to the officer's
19 previous rank following his or her term as chief or deputy
20 chief of police.

21 (c) The term "member of a paid police department",
22 whenever used in the following sections of this article,
23 means an individual employed in a paid police department
24 who is clothed with the police power of the state in being
25 authorized to carry deadly weapons, make arrests, enforce
26 traffic and other municipal ordinances, issue summons for
27 violations of traffic and other municipal ordinances, and
28 perform other duties which are within the scope of active,
29 general law enforcement.

30 (d) The term “appointing officer”, as used in the follow-
31 ing sections of this article, means the Class I or Class II
32 city officer in whom the power of appointment of members
33 of a paid police department is vested by charter provision
34 or ordinance of the city.

§8-14-17. Vacancies filled by promotions; eligibility for promotion; rights of chief.

1 (a) Vacancies in positions in a paid police department of
2 a Class I or Class II city shall be filled, so far as practica-
3 ble, by promotions from among individuals holding
4 positions in the next lower grade in the department.

5 (b) Promotions shall be based upon experience and by
6 written competitive examinations to be provided by the
7 Policemen’s Civil Service Commission: *Provided*, That
8 except for the chief or deputy chiefs of police, if the
9 position of deputy chief of police has been previously
10 created by the city council of that Class I or Class II city,
11 no individual is eligible for promotion from the lower
12 grade to the next higher grade until the individual
13 has completed at least two years of continuous service in
14 the next lower grade in the department immediately prior
15 to the examination: *Provided, however*, That notwith-
16 standing the provisions of section six of this article, any
17 member of a paid police department of a Class I or Class
18 II city now occupying the office of chief or deputy chief of
19 police of that paid police department, or hereafter ap-
20 pointed to the office of chief or deputy chief of police,
21 except as hereinafter provided in this section, is entitled to
22 all of the rights and benefits of the civil service provisions
23 of this article, except that he or she may be removed from
24 the office of chief or deputy chief of police without cause,
25 and the time spent by the member in the office of chief or
26 deputy chief of police shall be added to the time served by
27 the member during the entire time he or she was a member
28 of that paid police department prior to his or her appoint-

29 ment as chief or deputy chief of police, and shall in all
30 cases of removal, except for removal for good cause, retain
31 the regular rank within that paid police department which
32 he or she held at the time of his or her appointment to the
33 office of chief or deputy chief of police or which he or she
34 has attained during his or her term of service as chief or
35 deputy chief of police.

36 (c) The provisions of this section apply and inure to the
37 benefit of all individuals who have ever been subject to the
38 provisions of this article. The commission may determine
39 in each instance whether an increase in salary constitutes
40 a promotion.

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.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker House of Delegates

The within is appended this the 10th
Day of March, 2010.

.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 12 2010

Time 2:11 pm