WEST VIRGINIA CODE: §8-15-20

§8-15-20. Appointments from list of eligible applicants; special examinations for electricians or mechanics.

(a) Every position, unless filled by promotion, reinstatement, or reduction, shall be filled only in the manner specified in this section. The appointing officer shall notify the Firemen's Civil Service Commission of any vacancy in a position which he or she desires to fill, and shall request the certification of eligible applicants. The commission shall immediately certify, from the eligible list, the names of the three individuals on the eligible list who received the highest averages at preceding competitive examinations held under the civil service provisions of this article within a period of three years next preceding the date of the prospective appointment. The appointing officer shall, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three certified names: *Provided*, That if the appointing officer objects, to the commission, to one or more of these individuals, for any of the reasons stated in §8-15-19 of this code, and the objection is sustained by the commission, after a public hearing along the lines of the hearing provided for in §8-15-19 of this code, if a hearing is requested, the commission shall strike the name of the individual from the eligible list, and certify the next highest name for each individual stricken. As each subsequent vacancy occurs, in the same or another position, precisely the same procedure shall be followed: *Provided, however*, That after any name has been rejected three times for the same or another position in favor of a name or names below it on the same list, the name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall, nevertheless, be made separately and in accordance with the provisions of this section. When an appointment is made under the provisions of this section it shall be, in the first instance, for the probationary period of one year, as provided in §8-15-16 of this code: *Provided further*, That in the event any position as an electrician or mechanic is to be filled in any paid fire department, then the examinations to be given to applicants for either position shall be drawn to test only the qualifications of the applicants in regard to their ability as electricians or mechanics, the examinations to be special examinations.

(b) If there are not enough eligible applicants to certify a list of three, then the appointing officer may appoint a qualified individual to fill the position.

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