

Rec. Mar. 11, 1933

265

ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 265

(By Mr. Ferrill _____)

Passed March 11 1933

In Effect ninety days from Passage

Originated in the *House* Takes effect *ninety days from* passage
Proctor Clerk of the House of Delegates
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Proctor Clerk

James L. Smith Chairman House Committee
James L. Smith Chairman Senate Committee

ENROLLED BILL

(H. B. No. 265)

[Passed March 11, 1933; in effect ninety days from passage.]

AN ACT to provide for the appointment and promotion of members of paid fire departments in cities and municipalities; to provide for the creation and maintenance of a civil service commission for that purpose; to establish rules and procedure therefor; to regulate the manner in which demotions and discharge of employees of paid fire departments shall be made, and the rights and limitations of said employees in that respect; to provide for other matters relating to the duties and powers of said civil service commission, defining its powers, limiting its authority, etc.; and to provide penalties for the violation of the provisions of this bill.

Be it enacted by the Legislature of West Virginia:

Section 1. On and after the date this act takes effect, one 2 thousand nine hundred thirty-three, appointments to and pro-

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2 [Enrolled H. B. No. 265

3 motions in all paid fire departments of cities of any population
4 whatsoever shall be made only according to qualifications and
5 fitness to be ascertained by examinations, which, so far as practi-
6 cable, shall be competitive, as hereinafter provided. On and
7 after the aforesaid date, no person shall be appointed, reinstated,
8 promoted or discharged as a paid member of said department, re-
9 gardless of rank or position, in any fire department, of any city
10 in the State of West Virginia, in any manner or by any means
11 other than those prescribed in this act.

Sec. 2. There shall be a "civil service commission" in each
2 city or incorporated town having a fire department, any of the
3 members of which are paid by said city or municipality. This
4 civil service commission shall consist of three commissioners,
5 one of whom shall be appointed by the mayor or principal ex-
6 ecutive officer of said city; one of whom shall be appointed by
7 the local trades board in event that said board shall exist in said
8 city, or in case no such board exists in said city, then by the
9 paid international association of fire fighters; and the third
10 shall be appointed by the local chamber of commerce. The per-
11 sons appointed commissioners shall be qualified voters of the
12 city or municipality for which they are appointed; and at least

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Enrolled H. B. No. 265] 3

13 two of said commissioners shall be persons in full sympathy
14 with the purposes of this act. Not more than two of the said
15 commissioners, at any one time, shall be adherents of the same
16 political party. The commissioners in each city shall be ap-
17 pointed as follows: Within thirty days after this act takes
18 effect, the person, organization or board having appointive
19 power to this civil service commission shall appoint three
20 commissioners, the first of which to be appointed by the
21 mayor or principal executive officer shall serve for six
22 years from the date of his appointment; the second com-
23 missioner to be appointed by the local trades board, or in the
24 absence of such board, by the international association of fire
25 fighters, shall serve for four years from the date of his appoint-
26 ment; and the third commissioner to be appointed by the cham-
27 ber of commerce of each city or municipality for a term of
28 two years from the date of his appointment; in the absence of
29 the existence of a board of commerce, at time any appointment
30 is to be made—this third appointment shall be made by the
31 other two members by mutual agreement; thereafter all ap-
32 pointments shall be made for periods of four years each by
33 the appointing power hereinbefore designated. In event that

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34 any commisisoner of said civil service commission shall cease to
35 be a member thereof by virtue of death, removal, or other cause,
36 a new commissioner shall be appointed to fill out the unexpired
37 term of said commissioner within ten days after said excommis-
38 sioner shall have ceased to be a member of said commission.
39 Such appointment shall be made by the officer or body who in
40 the first instance appointed the commissioner who is no longer
41 a member of the commission. The three members of the commis-
42 sion shall, together, elect one of their number to act as president
43 of the commission, who shall serve as president for one year. Each
44 year thereafter the commissioners shall elect one of their number
45-46 president, the member so elected to serve one year. The mayor
47 or principal executive officer, may, at any time, remove a com-
48 missioner for good cause, which shall be stated in writing and
49 made a part of the records of the commission: *Provided, how-*
50 *ever,* That once the mayor has to remove any commissioner, such
51 removal shall be temporary only and shall be in effect for a
52 period of ten days, if at the end of said period of ten days the
53 circuit court of the county in which said city or municipality
54 is located, is in term or session. Within said ten day period the
55 mayor shall file in the office of the clerk of the circuit court of

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Enrolled H. B. No. 265]

5

56 said county a petition setting forth in full the reason for said
57 removal and praying for the confirmation by said circuit court
58 of the action of the mayor in so removing the said commissioner.
59 A copy of said petition, in writing, shall be served upon the com-
60 missioner so removed simultaneously with its filing in the office
61 of the clerk of the circuit court and shall have precedence on the
62 docket of said court and shall be heard by said court as soon as
63 the removed commissioner shall demand. All rights hereby
64 vested in said circuit court may be exercised by the judge there-
65 of during vacation. In event that no term of circuit court is
66 being held at the time of the filing of said petition, and the judge
67 thereof can not be reached in the county wherein the petition
68 was filed, said petition shall be heard at the next succeeding
69 term of said circuit court, whether regular or special, and the
70 commissioner so suspended shall remain suspended until a hear-
71 ing is had upon the petition of the mayor. The court, or the
72 judge thereof, in vacation, shall hear and decide upon said pe-
73 tition. The contestant against whom the decision of the court
74 or judge thereof, in vacation, shall be rendered, shall have the
75 right to petition the supreme court of appeals for a review of the
76 decision of the circuit court, or the judge thereof, in vacation,

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6

[Enrolled H. B. No. 265

77 as in chancery cases. In event that the mayor shall fail to file
78 his petition in the office of the clerk of the circuit court, as
79 hereinbefore provided, within ten days after the removal of said
80 commissioner, such commissioner shall immediately resume his
81 position as a member of the civil service commission.

82 Any citizen or citizens shall have the right, at any time, to file
83 charges against any member of the civil service commission;
84 such charges shall be filed in the form of a petition in the office
85 of the clerk of the circuit court, a copy of said petition, in writ-
86 ing, to be served upon the commissioner sought to be removed.
87 Said petition shall be matured for hearing and heard by the cir-
88 cuit court of the county wherein the said city or municipality
89 for which such commissioner serves, as a member of the civil
90 service commission, in the same manner as chancery proceedings
91 in the Circuit courts of West Virginia are heard, saving the right
92 to petition on the supreme court of appeals for a review of the
93 action of the circuit court to the contestant against whom the
94 circuit court's decision is rendered.

95 No commissioner shall hold any other office under the United
96 States, the State of West Virginia, or any city, county or other
97 political subdivision thereof; nor shall any commissioner serve

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7

98 on any political committee or take any active part in the man-
99 agement of any political campaign.

Sec. 3. The city clerk or city recorder of any municipality
2 under the terms of this act shall ex officio be clerk of the civil
3 service commission and shall supply to the commission without
4 extra compensation all necessary clerical and stenographic serv-
5 ices for the work of the civil service commission.

Sec. 4. It shall be the duty of the mayor, or principal ex-
2 ecutive officer, and heads of departments of every city to cause
3 suitable and convenient rooms and accommodations to be as-
4 signed and provided, and to be furnished, heated and lighted for
5 carrying on the work and examinations of the civil service com-
6 mission. The civil service commission may order from the
7 proper authorities the necessary stationery, postage stamps,
8 official seal and other articles to be supplied, and the necessary
9 printing to be done, for its official use. It shall be the duty
10 of the officers of every city to aid the civil service commission
11 in all proper ways in carrying out the provisions of this act,
12 and to allow the reasonable use of public buildings, and to heat
13 and light the same, for holding examinations and investigations,
14 and in all proper ways to facilitate the same.

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Sec. 5. The civil service commission in each city or municipality, within the terms of this act, shall:

First: Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may, from time to time, be added to, amended or rescinded: *Provided,* That all rules shall be approved by the mayor or principal executive officer and the council, and if no council, the principal governing body, before they go into effect, but when so approved shall not be annulled or changed except by the commission with the approval of the mayor or principal executive officer and the council, or principal governing body; *Providing further, however,* That if said executive officer and said governing body takes no action on a rule or amendment submitted to them within a period of twenty days from the date of its submission, then the rule or amendment shall become effective as though approved by the principal executive officer and principal governing body;

Second: Keep minutes of its own proceedings, and records of its examinations and other official actions. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to

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Enrolled H. B. No. 265]

9

22 office, shall be kept and preserved for a period of ten years, and
23 all such records, recommendations of former employees ex-
24 cepted, and all written causes of removal, filed with it, shall,
25 subject to reasonable regulation, be open to public inspection;

26 *Third:* Make investigations, either sitting as a body or
27 through a single commissioner, concerning all matters touching
28 the enforcement and effect of the provisions of this act, and the
29 rules and regulations prescribed thereunder, concerning the
30 action of any examiner or subordinate of the commission, or any
31 person in the public service in respect to the execution of this
32 act; and, in the course of such investigations, each commissioner
33 shall have the power to administer oaths and affirmations, and to
34 take testimony;

35 *Fourth:* Have power to subpoena and require the attendance
36 of witnesses, and the production thereby of books and papers
37 pertinent to the investigations and inquiries hereby authorized,
38 and to examine them and such public records as it shall require,
39 in relation to any matter which it has the authority to investi-
40 gate. The fees of such witnesses for attendance and travel shall
41 be the same as for witnesses before the circuit courts, and shall
42 be paid from the appropriation for the incidental expenses of the

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10

[Enrolled H. B. No. 265

43 commission. All officers in the public service, and their depu-
44 ties, clerks, subordinates and employees shall attend and testify
45 when required to do so by said commission. Any disobedience to,
46 or neglect of any subpoena issued by the said commissioners, or
47 any one of them, to any person, shall be held a contempt of court,
48 and shall be punished by any circuit court, within the county
49 in which is the city from the civil service commission of which
50 the said subpoena had issued, as if such subpoena had been issued
51 therefrom. Any judge of any of said courts shall, upon the ap-
52 plication of any one of said commissioners, in such cases, cause
53 the process of said court to issue to compel such person or per-
54 sons, disobeying or neglecting any such subpoena, to appear and
55 to give testimony before the said commissioners, or any one of
56 them, and shall have power to punish any such contempt;
57 *Fifth:* Make an annual report to the mayor or principal
58 executive officer showing its own action, and rules and regula-
59 tions, and all the exceptions thereto in force, and the practical
60 effects thereof, and any suggestions it may approve for the more
61 effectual accomplishment of the purposes of this act. Such re-
62 port shall be available for public inspection five days after the

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Enrolled H. B. No. 265] 11

63 same shall have been delivered to the mayor or principal execu-
64 tive officer of any city or municipality.

Sec. 6. The civil service commission, in each city, shall make
2 rules and regulations providing for examinations for positions
3 in the paid fire department in each municipality under this act,
4 and for appointments to and promotions therein, and for such
5 other matters as are necessary to carry out the purposes of
6 this act. Due notice of the contents of such rules and regula-
7 tions and of any modifications thereof shall be given, by mail,
8 in due season, to appointing officers affected thereby; and said
9 rules and regulations and modifications thereof shall also be
10 printed for public distribution. All original appointments to any
11 positions in fire departments within the terms of this act shall
12 be for a probationary period of six months: *Provided, however,*
13 That at any time during the probationary period the appointee
14 may be dismissed for just cause, in the manner provided in sec-
15 tion thirteen of this act. If, at the close of this probationary
16 term, the conduct or capacity of the probationer has not been
17 satisfactory to the appointing officer, the probationer shall be
18 notified, in writing, that he will not receive absolute appoint-
19 ment, whereupon his employment shall cease; otherwise, his re-

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12

[Enrolled H. B. No. 265

20 tention in the service shall be equivalent to his final appoint-
21 ment.

Sec. 7. All examinations for positions or promotions shall be
2 practical in their character, and shall relate to such matters, and
3 include such inquiries, as will fairly and fully test the compara-
4 tive merit and fitness of the persons examined to discharge the
5 duties of the employment sought by them. All examinations
6 shall be open to all applicants who have fulfilled the preliminary
7 requirements, stated in other sections of this act. All applicants
8 for any position in the fire department shall, as hereinafter
9 stated, subject to regulations adopted by the civil service com-
10 mission, be required to submit to a physical examination before
11 being admitted to the regular examinations held by the commis-
12 sion. Said applicant shall have been a resident for three years
13 next preceding date of his application, of the city or munici-
14 pality in which he seeks to obtain employment on the fire depart-
15 ment. Adequate public notice of the time and place of every
16 examination held under the provisions of this act, together with
17 information as to the kind of position or place to be filled, shall
18 be given at least one week prior to such examinations. The
19 said commission shall adopt reasonable regulations for permit-

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Enrolled H. B. No. 265]

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20 ting the presence of representatives of the press at the examina-
21 tions. The commission shall post, in a public place at its office,
22 the eligible list, containing the names and grades of those who
23 have passed examinations for positions in fire departments, under
24 this act, and shall indicate thereon such appointments as may
25 be made from said lists.

Sec. 8. The civil service commission, in each city, shall re-
2 quire persons applying for admission to any examination pro-
3 vided for under this act or under the rules and regulations of
4 the said commission, to file in its office, within a reasonable time
5 prior to the proposed examination, a formal application in which
6 the applicant shall state under oath or affirmation:

7 *First:* His full name, residence, and post office address;

8 *Second:* His citizenship, age, and the place and date of his
9 birth;

10 *Third:* His health, and his physical capacity for public
11 service;

12 *Fourth:* His business and employments and residences for
13 at least three previous years;

14 *Fifth:* Such other information as may reasonably be re-
15 quired, touching the applicant's qualifications and fitness for

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14

[Enrolled H. B. No. 265]

16 the public service.

17 Blank forms for such applications shall be furnished by the
18 said commission, without charge, to all persons requesting the
19 same. The said commission may require, in connection with
20 such application, such certificate of citizens, physicians or others,
21 having knowledge of the applicant, as the good of the service
22 may require. The said commission may refuse to examine an ap-
23 plicant, or, after examination, to certify as eligible, one who is
24 found to lack any of the established preliminary requirements
25 for the examination or position or employment for which he
26 applies; or who is physically so disabled as to be rendered
27 unfit for the performance of the duties of the position to which
28 he seeks appointment; or who is addicted to the habitual use of
29 intoxicating liquors or drugs; or who has been guilty of any
30 crime, or of infamous or notoriously disgraceful conduct; or
31 who has been dismissed from the public service for delinquency or
32 misconduct; or who has made a false statement of any material
33 fact, or practiced or attempted to practice any deception or
34 fraud in his application, in his examination, or in securing his
35 eligibility; or who refuse to comply with the rules and regula-
36 tions of the commission.

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37 If any applicant feels himself aggrieved by the action of the
38 commission in refusing to examine him, or after an examination,
39 to certify him as an eligible, as provided in this section, the com-
40 mission shall, at the request of such applicant, appoint a time
41 and place for a public hearing; at which time such applicant
42 may appear, by himself or counsel, or both, and the commission
43 shall then review its refusal to make such examination or certi-
44 fication, and testimony shall be taken. The commission shall
45 subpoena, at the expense of the applicant, any competent wit-
46 nesses requested by him. After such review, the commission
47 shall file the testimony taken, in its records, and shall again
48 make a decision, which decision shall be final.

Sec. 9. Every position or employment, unless filled by
2 promotion, reinstatement, or reduction, shall be filled only in
3 the following manner: The appointing officer shall notify the
4 civil service commission of any vacancy in the service which he
5 desires to fill, and shall request the certification of eligibles.
6 The commission shall forthwith certify, from the eligible list,
7 the names of the three persons thereon who received the high-
8 est averages at preceding examinations held under the pro-
9 visions of this act within a period of three years next preceding

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16

[Enrolled H. B. No. 265

10 the date of such appointment. The appointing officer shall,
11 thereupon, with sole reference to the relative merit and fitness
12 of the candidates, make an appointment from the three names
13 so certified: *Provided, however,* That should he make objection,
14 to the commission, to one or more of these persons, for any of
15 the reasons stated in section eight of this act, and should such
16 objections be sustained by the commission, as provided in sec-
17 tion eight of this act, the commission shall thereupon strike
18 the name of such person from the eligible list, and certify the
19 next highest name for each person so stricken off. As each
20 subsequent vacancy occurs, in the same or another position,
21 precisely the same procedure shall be followed: *Provided, how-*
22 *ever,* That after any name has been three times rejected, for
23 the same or another position, in favor of a name or names below
24 it on the same list, the said name shall be stricken from the list.
25 When there are a number of positions of the same kind to be
26 filled at the same time, each appointment shall, nevertheless,
27 be made separately and in accordance with the foregoing pro-
28 visions. When an appointment is made under the provisions
29 of this section it shall be, in the first instance, for the proba-

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Enrolled H. B. No. 265]

17

tionary period of six months, as provided in section six of this
act: *Provided, however,* That in event any position as an elec-
trician or mechanic is to be filled upon any paid fire depart-
ment, then the examinations to be given to applicants for either
the positions of electrician or mechanic shall be so drawn as to
test only the qualifications of such applicants in regard to their
ability as electricians or mechanics, such examinations to be
special examinations.

The term "appointing officer" as used in this act shall be
construed to mean the municipal officer in whom the power of
appointment of members to a paid fire department is vested by
the charter of a city or municipality in which an appointment
shall be made.

Sec. 10. Whenever there are urgent reasons for filling a
vacancy in any position in the fire department and there is no
list of persons eligible for appointment after a competitive ex-
amination, the appointing officer may nominate a person to the
civil service commission for noncompetitive examination; and
if such nominee shall be certified by the said commission as
qualified, after such noncompetitive examination, he may be
appointed provisionally, to fill such vacancy until a selection

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9 and appointment can be made after competitive examination,
10 in the manner prescribed in section nine; but such provisional
11 appointment shall not continue for a longer period than three
12 months, nor shall successive provisional appointments be made
13 to the same position, under this provision.

Sec. 11. Vacancies in positions in the fire department shall
2 be filled, so far as practicable, by promotions from among per-
3 sons holding positions in the next lower grade in the depart-
4 ment. Promotions shall be based upon merit to be ascertained
5 by tests to be provided by the civil service commission and
6 upon the superior qualifications of the persons promoted, as
7 shown by his previous service and experience: *Provided, how-*
8 *ever,* That no person shall be eligible for promotion from the
9 lower grade to the next higher grade until such person shall
10 have completed at least two years' service in the next lower
11 grade in the department. The commission shall have the power
12 to determine in each instance whether an increase in salary
13 constitutes a promotion.

Sec. 12. All applicants for any position in the fire depart-
2 ment shall undergo a physical examination which shall be con-
3 ducted under the supervision of a commission composed of two

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Enrolled H. B. No. 265]

19

4 doctors of medicine appointed for that mission by the mayor
5 or principal executive officer of the city or municipality. Said
6-7 commission shall certify that an applicant is free from any
8 bodily or mental defects, deformity or diseases that might in-
9 capacitate him from the performance of the duties of the posi-
10 tion desired before said applicant shall be permitted to take
11 further examinations. No application will be received if the
12 person applying is less than twenty-one years of age or more
13 than thirty-five years of age at the date of his application:
14 *Provided, however,* That in event any applicant has formerly
15 served upon the fire department of the city to which he makes
16 application, for a period of more than six months, and has
17 resigned from the department at a time when there were no
18 charges of misconduct or other misfeasance pending against
19 such applicant, within a period of two years next preceding
20 the date of his application, and is a resident of the city or
21 municipality, and is still a resident of the city or municipality
22 of the fire department on which he seeks reinstatement, then
23 such person shall be eligible for reinstatement in the discre-
24 tion of the civil service commission, even though such applicant
25 shall be over the age of thirty-five years. Such applicant, pro-

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26 viding his former term of service so justifies, may be reap-
27 pointed to the fire department without examination other than
28 a physical examination; if such person shall be so reinstated
29 to the fire department. he shall be the lowest in rank in the
30 department next above the probationers of the department.

Sec. 13. No member of any fire department within the terms
2 of this act shall be removed, discharged or reduced in rank or
3 pay except for just cause, which shall not be religious or politi-
4 cal; further, no such employee shall be removed, discharged or
5 reduced except as provided in section of this act, and in no
6 event until he shall have been furnished with a written state-
7 ment of the reasons for such action. In every case of such re-
8 moval or reduction, a copy of the statement of reasons therefor
9 and of the written answer thereto, if the person sought to be
10 removed desires to file such written answer, shall be furnished
11 to the civil service commission and entered upon its records.
12 If the person sought to be removed or reduced shall demand it,
13 the civil service commission shall grant him a public hearing,
14 which hearing shall be held within a period of ten days from
15 the filing of the charges in writing and the written answer

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Enrolled H. B. No. 265]

21

16 thereto. At such hearing the burden shall be upon the removing officer to justify his action. In event that the civil service commission fails to justify the action of the removing officer, then the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment, and no charges be officially recorded against his record. A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection, in event that no appeal shall be taken from the action of the commission. In event that the civil service commission shall sustain the action of the removing officer the person removed shall have an immediate right of appeal to the circuit court of the county wherein the city or municipality is situated. Said appeal shall be taken within ninety days from the entry by the civil service commission of its final order; upon such an appeal being taken and docketed with the clerk of the circuit court of said county, the circuit court shall proceed to hear the appeal upon the original record taken therein and no additional proof shall be permitted to be introduced. The circuit court's decision shall

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37 be final, saving to the employee, however, the right to petition
38 the supreme court of appeals for a review of the circuit court's
39 decision.

40 The removing officer and the person sought to be removed
41 shall at all times, both before the civil service commission and
42 upon appeal, be given the right to employ counsel to represent
43 either of them before said civil service commission and upon
44 appeal; should the person removed elect to appeal to the cir-
45 cuit court as hereinbefore provided: *Provided, however,* That
46 if for reasons of economy or other reasons it shall be deemed
47 necessary by any city or municipality to reduce the number of
48 paid members of any fire department then said municipality
49 shall follow the following procedure:

50 *First:* If there be any paid firemen eligible for retirement
51 under the terms of a pension fund act, if such fund exists in
52 said city or municipality, then such reduction in numbers shall
53 be made by retirement on pension of all such eligible paid mem-
54 bers of the fire department;

55 *Second:* If the number of paid firemen eligible for re-
56 tirement under the pension fund of said city or mu-
57 nicipality, if such pension fund exists, is insufficient to ef-

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Enrolled H. B. No. 265]

23

58 feet the reduction in numbers of said paid fire department de-
59 sired by said city or municipality, or if there is no eligible per-
60 son for retirement under the pension fund of said city or mu-
61 nicipality, or if no pension fund exists in said city or munici-
62 pality, then reduction in members of the paid fire department
63 of said city or municipality shall be effected by suspending
64 the last man or men, including probationers, that have been
65 appointed to said fire department. Such removal shall be ac-
66 complished by suspending in numerical order commencing with
67 the last men appointed to the fire department, all recent ap-
68 pointees to said fire department until such reduction shall have
69 been accomplished: *Provided further*, That in event the said
70 fire department shall again be increased in numbers to the
71 strength existing prior to such reduction of members the said
72 firemen suspended under the terms of this act shall be rein-
73 stated before any new appointments to said fire department
74 shall be made.

Sec. 14. No question in any form of application or in any
2 examination shall be so framed as to elicit information con-
3 cerning the political or religious opinions or affiliations of any
4 applicant; nor shall inquiry be made concerning such opinions

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James D. Hyre

Chairman House Committee.

Chairman Senate Committee.

5 or affiliations; and all disclosures thereof shall be discounten-
6 anced. No discrimination shall be exercised, threatened, or
7 promised by any person in the fire department against, or in
8 favor of, an applicant, eligible, or employee in fire departments
9 under this act because of his political or religious opinions or
10 affiliations.

Sec. 15. Whoever makes an appointment to office, or selects
2 a person for employment, contrary to the provisions of this
3 act, or wilfully refuses or neglects otherwise to comply with,
4 or to conform to, any of the provisions of this act, or violate any
5 of such provisions, shall be deemed guilty of a misdemeanor.

Sec. 16. Any commissioner or examiner, or any other person,
2 who shall wilfully, by himself or in cooperation with one or
3 more persons, defeat, deceive or obstruct any person in respect
4 to his right of examination or registration according to this
5 act, or to any rules or regulations prescribed pursuant thereto,
6 or who shall wilfully or corruptly, falsely, mark, grade, esti-
7 mate, or report upon the examination or proper standing of
8 any person examined, registered, or certified, pursuant to the
9 provisions of this act, or aid in so doing, or who shall wilfully
10 or corruptly furnish to any person and special or secret informa-

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James L. Smith
Chairman House Committee.
Wm. D. Byrnes
Chairman Senate Committee.

Enrolled H. B. No. 265]

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tion, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered, or certified, or to be examined, registered, or certified; or who shall personate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense, be deemed guilty of a misdemeanor.

Sec. 17. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both fine and imprisonment, in the discretion of the court.

Sec. 18. All paid firemen in cities or municipalities under the provisions of this act who are employed by such cities or municipalities upon the date of the passage of this act shall be construed to have been appointed under the provisions of this act and shall hold their positions in accordance therewith: *Provided*, That the roster of said fire department is equally divided between the two great political parties. However, if fire departments are not now equally divided new members coming

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James A. Smith

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Chairman Senate Committee.

9 on shall be of the minority until this section is complied with.

Sec. 19. All acts and parts of acts of the legislature of the
2 State of West Virginia, general, special, local or municipal
3 charters, or parts thereof, in relation to any civil service measure
4 affecting the paid fire departments of any city or municipality
5 inconsistent with this act shall be, and the same are hereby re-
6 pealed insofar as such inconsistencies shall exist. It is under-
7 stood and intended by this act to furnish a complete and ex-
8 clusive system for the appointment, promotion, reduction, re-
9 moval and reinstatement of all officers, firemen or other em-
10 ployees of said fire departments in all cities and municipalities
11 wherein the members of the fire department are paid.

Sec. 20. The provisions of this act shall not apply to the
2 municipalities of Huntington, Parkersburg and Wheeling.

CORRECTLY ENROLLED

James D. Hays
.....
Chairman Senate Committee.

B. M. Spier
.....
Speaker of the House of Delegates.

Geo. H. Hall
.....
Clerk of the House of Delegates.

B. M. Mainwaring
.....
President of the Senate.

Arthur D. Smith
.....
Clerk of the Senate.

James D. Smith
.....
Chairman House Committee.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. MAR 18 1933
Wm. S. O'BRIEN,
Secretary of State