WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

HOUSE BILL No. 2

(By Messrs. Jimison and Russell)

PASSED March 6, 1937

In Effect June 1, 1937. Passage
ENROLLED

House Bill No. 2
(By Messrs. Jimison and Russek)

[Passed March 1, 1937; in effect June 1, 1937.]

AN ACT to provide for the appointment and promotion of members of paid police 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 police 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 providing penalties for the violation of the provision of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. Competitive Examinations for Appointments to
and Promotions in Paid Police Departments; Except the Office of Chief of Police. All appointments to and promotions in all paid police departments of cities and municipalities of five thousand population or more, shall be made only according to qualifications and fitness to be ascertained by examinations, which, so far as practicable, shall be competitive, as hereinafter provided. On and after the date this act takes effect no person except the chief of police shall be appointed, reinstated, promoted or discharged as a paid member of said department of any city or municipality in the state of West Virginia subject to the provisions hereof, in any manner or by any means other than those prescribed in this act.

Sec. 2. Civil Service Commission: Appointment; Qualifications; Removal. There shall be a "civil service commission" in each city or municipality of five thousand population or more, having a police department, in which members thereof are paid by said city or municipality. The civil service commission in each shall consist of three commissioners, one of whom shall be appointed by the governor; one of whom shall be appointed by the local fraternal order
police and the third shall be appointed by the local chamber of commerce, or if there be none, by a business men’s association. The persons appointed commissioners shall be qualified voters of the city or municipality for which they are appointed; and at least two of said commissioners shall be persons in full sympathy with the purposes of this act. Not more than two of the said commissioners, at any one time, shall be adherents of the same political party. The commissioners in each city or municipality shall be appointed as follows: On the date this act takes effect, the person, organization or board having appointive power to this civil service commission shall appoint three commissioners, the first of which to be appointed by the governor shall serve for six years from the date of his appointment; the second commissioner to be appointed by the local fraternal order of police shall serve for four years from the date of his appointment; and the third commissioner to be appointed by the chamber of commerce, or business men’s association of each city or municipality shall serve for a term of two years from the date of his appointment; in the absence of the existence of a chamber of commerce or business men’s association at the
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30 time any appointment is to be made, this third appointment
31 shall be made by the other two commissioners by mutual
32 agreement; thereafter all appointments shall be made for
33 periods of four years each by the appointing power herein-
34 before designated. In event that any commissioner of said
35 civil service commission shall cease to be a member thereof
36 by virtue of death, removal, or other cause, a new commis-
37 sioner shall be appointed to fill out the unexpired term of
38 said commissioner within ten days after said excommissioner
39 shall have ceased to be a member of said commission. Such
40 appointment shall be made by the person, officer or body who
41 in the first instance appointed the commissioner who is no
42 longer a member of the commission. The three members of
43 the commission shall, together, elect one of their number to
44 act as president of the commission, who shall serve as presi-
45 dent for one year. Each year thereafter the commissioners
46 shall elect one of their number president, the member so
47 elected to serve one year. The governor, mayor, city man-
48 ager, or principal executive officer of any city or munici-
49 pality may, at any time, remove a commissioner or commis-
50 sioners for good cause, which shall be stated in writing and
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51 made a part of the records of the commission: Provided,
52 however, That once the governor, mayor, city manager, or
53 principal executive officer, has to remove any commissioner,
54 or commissioners such removal shall be temporary only and
55 shall be in effect for a period of ten days, if at the end of
56 said period of ten days the circuit court of the county in
57 which said city or municipality is located, is in term or
58 session. Within said ten-day period the governor, mayor,
59 city manager or principal executive officer, shall file in the
60 office of the clerk of the circuit court of said county a petition
61 setting forth in full the reason for said removal and praying
62 for the confirmation of said circuit court of the action of the
63 governor, mayor, city manager or principal executive officer,
64 in so removing the said commissioner or commissioners. A
65 copy of said petition, in writing, shall be served upon the
66 commissioner or commissioners so removed simultaneously
67 with its filing in the office of the clerk of the circuit court
68 and shall have precedence on the docket of said court and
69 shall be heard by said court as soon as practicable upon the
70 request of the removed commissioner or commissioners. All
71 rights hereby vested in said circuit court may be exercised
by the judge thereof during vacation. In event that no term of circuit court is being held at the time of the filing of said petition, and the judge thereof can not be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner or commissioners so suspended shall remain suspended until a hearing is had upon the said petition of the governor, mayor, city manager, or principal executive officer of the city. The court, or the judge thereof, in vacation, shall hear and decide upon said petition. The contestant or contestants against whom the decision of the court or judge thereof, in vacation, shall be rendered, shall have the right to petition the supreme court of appeals for a review of the decision of the circuit court, or the judge thereof, in vacation, as in chancery cases.

In the event that the governor, mayor, city manager, or principal executive officer of the city, shall fail to file his petition in the office of the clerk of the circuit court, as hereinbefore provided, within ten days after the removal of said commissioner, or commissioners, such commissioner or commis-
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92 sioners shall immediately resume his or their position or
93 positions of the civil service commission.
94 Any citizen or citizens shall have the right, at any time,
95 to file charges against any member of the civil service com-
96 mission; such charges shall be filed in the form of a petition
97 in the office of the clerk of the circuit court, a copy of said
98 petition, in writing, to be served upon the commissioner or
99 commissioners sought to be removed. Said petition shall be
100 matured for hearing and heard by the circuit court of the
101 county wherein the said city or municipality for which said
102 commissioner or commissioners serves, as members of the
103 civil service commission in the same manner as chancery pro-
104 ceedings in the circuit courts of West Virginia are heard,
105 saving the right to petition the supreme court of appeals for
106 a review of the action of the circuit court of the contestant
107 or contestants against whom the circuit court's decision is
108 rendered.
109 No commissioner shall hold any other office under the
110 United States, the state of West Virginia, or any city,
111 municipality, county or other political subdivision thereof;
112 nor shall any commissioner serve on any political committee
or take any active part in the management of any political campaign.

Sec. 3. Clerk of Civil Service Commission. The city clerk or city recorder of any city or municipality under the terms of this act shall be ex officio clerk of the civil service commission and shall supply to the commission without extra compensation all necessary clerical and stenographic services for the work of the civil service commission.

Sec. 4. Offices and Supplies. It shall be the duty of the mayor, city manager, or principal executive officer, and heads of departments of every city or municipality of five thousand population or more, to cause suitable and convenient rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted for carrying on the work and examinations of the civil service commission. The civil service commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use. It shall be the duty of the officers of every city or municipality to aid the civil service commission in all proper ways in carrying out the provisions of this act, and to allow
the reasonable use of public buildings, and to heat and light
the same, for holding examinations and investigations, and in
all proper ways to facilitate the same.

Sec. 5. Powers and Duties of Commission. The civil serv-

ice commission in each city or municipality, within the terms

of this act, shall:

First: Keep minutes of its own proceedings, and records

of its examinations and other official actions. All recommen-
dations of applicants for office, received by the said commis-

sion or by any officer having authority to make appointments

to office, shall be kept and preserved for a period of ten years,

and all such records, recommendations of former employees

excepted, and all written causes of removal, filed with it,

shall, subject to reasonable regulation, be open to public in-

spection;

Second: Make investigations, either by sitting as a body

or through a single commissioner, concerning all matters

touching the enforcement and effect of the provisions of this

act, and the rules and regulations prescribed thereunder,

concerning the action of any person in the public service in

respect to the execution of this act; and, in the course of
such investigation, each commissioner shall have the power
to administer oaths and affirmations, and to take testimony;
Third: Have power to subpœna and require the attendance
of witnesses, and the production thereby of books and papers
pertinent to the investigations and inquiries hereby author-
ized and to examine them and such public records as it shall
require, in relation to any matter which it has the authority
to investigate. The fees of such witnesses for attendance and
travel shall be the same as for witnesses before the circuit
courts, and shall be paid from the appropriation for the
incidental expense of the commission. All officers in the
public service, and their deputies, clerks, subordinates and
employees shall attend and testify when required to do so by
said commission and all cities and municipalities are re-
quired to appropriate sufficient funds for the purpose of
carrying out the provisions of this act. Any disobedience to,
or neglect of any one of them, to any person, shall be held a
contempt of court, and shall be punished by any circuit court,
within the county in which is the city, from the civil service
commission of which the said subpœna had issued, as if such
subpœna had been issued therefrom. Any judge of any of said
courts shall, upon the application of any one of said commis-
sioners, in such cases, cause the process of said court to issue
to compel such person or persons, disobeying or neglecting
any such subpoena, to appear and to give testimony before the
said commissioners, or any of them and shall have power to
punish any such contempt;

Fourth: Make an annual report to the mayor, city mana-
ger, or principal executive officer showing its own action,
and rules and regulations, and all the exceptions thereto in
force, and the practical effects thereof, and any suggestions
it may approve for the more effectual accomplishment of the
purposes of this act. Such report shall be available for public
inspection five days after the same shall have been delivered
to the mayor, city manager, or principal executive officer of
any city or municipality.

Sec. 6. Rules and Regulations for Examinations and Ap-
pointments. The civil service commission, in each city or mu-
nicipality, shall make rules and regulations providing for ex-
aminations for positions in the paid police department in
each city or municipality under this act, and for appoint-
ments to and promotions therein, and for such other matters
7 as are necessary to carry out the purposes of this act. Due no-
8 tice of the contents of such rules and regulations and of any
9 modifications thereof shall be given, by mail, in due season, to
10 appointing officers affected thereby; and said rules and regu-
11 lations and modifications thereof shall also be printed for pub-
12 lic distribution. All original appointments to any positions in
13 police departments within the terms of this act shall be for a
14 probationary period of six months: Provided, however, That
15 at any time during the probationary period the appointee may
16 be dismissed for just cause, in the manner provided in section
17 thirteen of this act. If, at the close of this probationary term,
18 the conduct or capacity of the probationer has not been satis-
19 factory to the appointing officer, the probationer shall be
20 notified, in writing, that he will not receive absolute appoint-
21 ment, whereupon his employment shall cease; otherwise, his
22 retention in the service shall be equivalent to his final ap-
23 pointment.

Sec. 7. Examinations; Eligible Lists. All examinations for
2 positions or promotions shall be practical in their character,
3 and shall relate to such matters, and include such inquiries,
4 as will fairly and fully test the comparative merit and fitness.
of the person or persons examined to discharge the duties of the employment sought by him or them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in other sections of this act. All applicants for any position in police department shall, as hereinafter stated, subject to regulations adopted by the civil service commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. Said applicant shall have been a resident for three years next preceding date of his application, of the city or municipality in which he seeks to obtain employment in the police department. Adequate public notice of the time and place of every examination held under the provisions of this act, together with information as to the kind of position or place to be filled, shall be given at least one week prior to such examination. The said commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examinations. The commission shall post, in a public place at its office, the eligible list, containing the names and grades of those who have passed examinations for positions in police departments, under this act, and shall indicate
Sec. 8. Application for Examination; Refusal to Examine.

The civil service commission, in each city or municipality, shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

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

Second: His United States citizenship, age, and the place and date of his birth;

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

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

Fifth: Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the said commission, without charge, to all persons requesting the same. The said commission may require, in connec-
tion with such application, such certificate of citizens, phy-
sician or others, having knowledge of the applicant, as the
good of the service may require. The said commission may
refuse to examine an applicant, or, after examination, to
certify as eligible, one who is found to lack any of the estab-
lished preliminary requirements for the examination or posi-
tion or employment for which he applies; or who is physically
so disabled as to be rendered unfit for the performance of
the duties of the position to which he seeks appointment; or
who is addicted to the habitual use of intoxicating liquors
or drugs; or who has been guilty of any crime, or of in-
famous or notoriously disgraceful conduct; or who has been
dismissed from the public service for delinquency or mis-
conduct; or who has made a false statement of any material
fact, or practiced or attempted to practice any deception or
fraud in his application, in his examination, or in securing
his eligibility; or who refuses to comply with the rules and
regulations of the commission.

If any applicant feels himself aggrieved by the action of
the commission in refusing to examine him, or after an ex-
amination, to certify him as an eligible, as provided in this
section, the commission shall, at the request of such applicant,
appoint a time and place for a public hearing; at which time
such applicant may appear, by himself or counsel, or both,
and the commission shall then review its refusal to make
such examination or certification, and testimony shall be
taken. The commission shall subpoena, at the expense of the
applicant, any competent witnesses requested by him. After
such review, the commission shall file the testimony taken, in
its records, and shall again make a decision, which decision
shall be final.

Sec. 9. Making Appointments from Eligible List Except for
the Office of Chief of Police. Every position or employment,
unless filled by promotion, reinstatement, or reduction, shall
be filled only in the following manner: The appointing officer
shall notify the civil service commission of any vacancy in the
service which he desires to fill, and shall request the certifica-
tion of eligibles. The commission shall forthwith certify, from
the eligible list, the names of three persons thereon who re-
ceived the highest averages at preceding examinations held
under the provisions of this act within a period of three years
next preceding the date of such appointment. The appointing
officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified: Provided, however, That should he make objection, to the commission, to one or more of these persons, for any of the reasons stated in section eight of this act, and should such objection be sustained by the commission, as provided in section eight of this act, the commission shall thereupon strike the name of such person from the eligible list, and certify the next highest name for each person so stricken off. 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 three times rejected for the same or another position, in favor of a name or names below it on the same list, the said 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 foregoing provisions. When an appointment is made under the provisions of this section it shall be, in the first instance, for the probationary period of six months as provided in section six of this act.
The term "appointing officer" as used in this act shall be construed to mean the city or municipal officer in whom the power of appointment of members to a paid police department is vested by the charter of a city or municipality in which an appointment shall be made.

Sec. 10. **Filling Vacancy When There is no Eligible List.**

Whenever there are urgent reasons for filling a vacancy in any position in the police department and there is no list of persons eligible for appointment after a competitive examination, 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 and appointment can be made after competitive examination, in the manner prescribed in section nine; but such provisional appointment shall not continue for a longer period than three months, nor shall successive provisional appointments be made to the same position, under this provision.

Sec. 11. **Filling Vacancies by Promotion.** Vacancies in positions in the police department shall be filled, so far as
practicable, by promotion from among persons holding posi-
tions in the next lower grade in the department. Promotions
shall be based upon merit to be ascertained by tests to be
provided by the civil service commission and upon the su-
perior qualifications of the persons promoted, as shown by
his previous service and experience: Provided, however, That
except for chief of police no person shall be eligible for
promotion from the lower grade to the next higher grade
until such person shall have completed at least two years'
service in the next lower grade in the department. The com-
mission shall have the power to determine in each instance
whether an increase in salary constitutes a promotion.

Sec. 12. Physical Examination of Applicants; Exception in
Case of Reappointment. All applicants for any position in
the police department shall undergo a physical examination
which shall be conducted under the supervision of a com-
mission composed of two doctors of medicine appointed for
that mission by the mayor, city manager, or principal execu-
tive officer of the city or municipality. Said commission shall
certify that an applicant is free from any bodily or mental
defects, deformity or diseases that might incapacitate him
from the performance of the duties of the position desired before said applicant shall be permitted to take further ex-
amination. No application will be received if the person ap-
plying is less than twenty-one years of age or more than
thirty-five years of age at the date of his application: Pro-
vided, however, That in event any applicant has formerly
served upon the police department of the city to which he
makes application, for a period of more than six months, and
has resigned from the department at a time when there were
no charges of misconduct or other misfeasance pending
against such applicant, within a period of two years next
preceding the date of his application, and is a resident of the
city or municipality, and is still a resident of the city or
municipality of the police department on which he seeks
reinstatement, then such person shall be eligible for rein-
statement in the discretion of the civil service commission,
even though such applicant shall be over the age of thirty-
five years. Such applicant, providing his former term of
service so justifies, may be reappointed to the police depart-
ment without examination other than a physical examination;
if such person shall be so reinstated to the police department.
he shall be the lowest in rank in the department next above
the probationers of the department. *Provided further,* That
any person who is, at the time this act goes into effect, serving
upon the police department of the city to which he makes
application, and has served in such capacity for at least six
months prior to the time this act takes effect, shall be eligible
to take the examination provided for herein even though such
applicant shall be over the age of thirty-five years.

Sec. 13. *Removal, Discharge, Retirement, etc. of Members*

of Police Department. No member of any police department
within the terms of this act shall be removed, discharged or
reduced in rank or pay except for just cause, which shall not
be religious or political, except as hereinafter provided in
section twenty-one; further, no such employee shall be
removed, discharged or reduced except as provided in this
act, and in no event until he shall have been furnished with
a written statement of the reasons for such action. In every
case of such removal or reduction, a copy of the statement
of reasons therefor and of the written answer thereto, if the
person sought to be removed desires to file such written
answer, shall be furnished to the civil service commission
and entered upon its records. If the person sought to be removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of ten days from the filing of the charges in writing and the written answer thereto. At such hearing the burden shall be upon the removing officer to justify his action and in event that the civil service commission finds the action of the removing officer unjustified, then the person 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 shall 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 open to public inspection, if no appeal 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 be final, saving to the employee,
however, the right to petition the supreme court of appeals
for a review of the circuit court’s decision.

The removing officer and the person sought to be removed
shall at all times, both before the civil service commission and
upon appeal, be given the right to employ counsel to repre-
sent them: Provided, however, That if for reasons of economy
or other reasons it shall be deemed necessary by any city or
municipality to reduce the number of paid members of any po-
lice department then said municipality shall follow the fol-
lowing procedure:

First: If there be any paid policemen eligible for retire-
ment under the terms of a pension fund act, if such fund
exists in said city or municipality, then such reduction in
numbers shall be made by retirement on pension of all such
eligible paid members of the police department;
Second: If the number of paid policemen eligible for retirement under the pension fund of said city or municipality, if such pension fund exist, is sufficient to effect the reduction in numbers of said paid police department desired by said city or municipality, or if there is no eligible person for retirement under the pension fund of said city or municipality, or no pension fund exists in said city or municipality, then reduction in members of the paid police department of said city or municipality shall be effected by suspending the last man or men, including probationers, that have been appointed to said police department. Such removal shall be accomplished by suspending the number desired in the inverse order of their appointment: Provided, further, That in event the said police department shall again be increased in numbers to the strength existing prior to such reduction of members the said policemen suspended under the terms of this act shall be reinstated in the inverse order of their suspension before any new appointments to said police department shall be made.

Sec. 14. No political or Religious Test Permitted. No question in any form of application or in any examination
shall be so framed as to elicit information concerning the
political or religious opinions or affiliations of any applicant;
nor shall inquiry be made concerning such opinions or affiliations; and all disclosures thereof shall be discountenanced.
No discrimination shall be exercised, threatened, or promised
by any person in the police department against, or in favor
of, an applicant, eligible, or employee in police departments
under this act because of his political or religious opinions
or affiliations.

Sec. 15. Failure to Comply with Act a Misdemeanor. Who-
ever makes an appointment to office, or selects a person for
employment, contrary to the provisions of this act, or wil-
fully refuses or neglects otherwise to comply with, or to con-
form to, any of the provisions of this act, or violate any of
such provisions, shall be deemed guilty of a misdemeanor.

Sec. 16. Offenses Constituting Misdemeanors Under Act.
Any commissioner or examiner, or any other person, who
shall wilfully, by himself or in cooperation with one or more
persons, defeat, deceive or obstruct any person in respect to
his right of examination or registration according to this act,
or to any rules or regulations prescribed pursuant thereto,
or who shall wilfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this act, or aid in so doing, or who shall wilfully or corruptly furnish to any person any special or secret information, 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 personate 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. Penalties. 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. Policemen and Officers Now Employed to Continue; Exceptions. All paid policemen, including officers, except chiefs of police, who have had four years' service, in any
city or municipal police department, and who are employed by
any city or municipality on the date this act takes effect, shall
be construed to have been appointed under the provisions of
this act and shall hold their positions in accordance therewith.
Policemen, including officers, who have not had four years'
service in a paid city or municipal police department, shall
be subject to the examination provided for in this act: Pro-
vided, That the requirement for examination of men who have
not had four years' service prior to the passage of this act,
shall not apply to men who have been injured in line of duty
while in service, which injuries would disqualify them under
the examination herein required, nor shall it apply to mem-
ers of paid police departments, including officers of such de-
partments, in cities or municipalities which now operate un-
der a city system of civil service.

Sec. 19. Provisions Severable. If any clause, sentence, sec-
tion, provisions or part of this act shall be adjudged to be
unconstitutional or invalid for any reason by any court of
competent jurisdiction, such judgment shall not impair, af-
fect or invalidate the remainder of this act, which shall re-
main in full force and effect thereafter.
Sec. 20. *Inconsistent Acts Repealed.* All acts and parts of acts of the Legislature of the state of West Virginia, general, special, local or municipal charters, or parts thereof, in relation to any civil service measure affecting the paid police departments of any city or municipality inconsistent with this act shall be, and the same are hereby repealed insofar as such inconsistencies shall exist. It is understood and intended by this act to furnish a complete and exclusive system for the appointment, promotion, reduction, removal and reinstatement of all officers, policemen or other employees of said police departments in all cities and municipalities of five thousand population or more, wherein the members of the police department are paid.

Sec. 21. *Political Activity of Police Officers Prohibited.* No police officer shall serve as an election official, nor shall he engage in any political activity, other than to vote, in behalf of, or in opposition to, any candidate, political party or public issue involved in any election. Any violation by a police officer of the provisions of this section shall automatically vacate his appointment.

Sec. 22. *Election; Ballot; Cities Now Under Civil Service*
Not Affected. Any municipality of five thousand population or less, may, by ordinance, provide for an election to determine whether the provisions of this act shall apply to such municipality. Such election shall be held at the first general election held in such municipality after the adoption of said ordinance and shall be conducted and the result there­of ascertained as is provided by law for other elections. The ballots shall have printed thereon:

☐ For Police Civil Service.

☐ Against Police Civil Service.

If a majority of all the votes cast on this question be against police civil service, then none of the provisions of this act shall apply within such municipality.

The provisions of this section shall not apply to any munici­pality now operating under police civil service.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the House of Delegates

Takes effect... June 1, 1937

[Signatures]
Clerk of the Senate
Clerk of the House of Delegates

[Signatures]
President of the Senate
Speaker House of Delegates

The within this the... day of... 1937.

[Signatures]
Governor

Filed in the office of the Secretary of State of West Virginia... MAR 8 1937... Wm. S. O'Brien, Secretary of State