

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

Committee Substitute for

SENATE BILL NO. 35

(By Mr. *Comm. on the Judiciary*)

PASSED Jul 18 1959

In Effect *from* Passage

Filed in Office of the Secretary of State
of West Virginia

MAR 2 1959

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 35

(Originating in the Committee on the Judiciary)

[Passed February 18, 1959; in effect from passage]

AN ACT to amend and reenact section eleven, article five-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filling vacancies in police departments by promotion and civil service provisions in connection therewith.

Be it enacted by the Legislature of West Virginia:

That section eleven, article five-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 11. *Filling Vacancies by Promotion.*—Vacancies
2 in positions in police departments shall be filled, so far as
3 practicable, by promotion from among persons holding
4 positions in the next lower grade in the department. Pro-
5 motions shall be based upon merit to be ascertained by
6 tests to be provided by the civil service commission and
7 upon the superior qualifications of the persons promoted,
8 as shown by his previous service and experience: *Pro-*
9 *vided, however,* That except for chief of police, no person
10 shall be eligible for promotion from the lower grade to
11 the next higher grade until such person shall have com-
12 pleted at least two years' service in the next lower grade
13 in the department: *And provided further,* That notwith-
14 standing anything set forth in section one of this article,
15 any regular member of the police force now occupying
16 the office of chief of police, or hereafter appointed to such
17 office, shall, except as hereinafter provided in this section,
18 be and shall continue to be entitled to all the rights and
19 benefits of the civil service provisions of this article, ex-
20 cept that he may be removed from such office of chief of
21 police without cause, and the time spent by such mem-

22 ber in the office of chief of police shall be added to the
23 time served by such member during the entire time he
24 was a member of the police force prior to his appointment
25 as chief, and shall in all cases of removal, except for re-
26 moval for good cause, retain the regular rank within the
27 police department which he held at the time of his ap-
28 pointment to the office of chief of police or which he has
29 attained during his term of service as chief of police. The
30 provisions of this section shall be construed to apply and
31 to inure to the benefit of all persons who have ever been
32 subject to the provisions of this article. The commission
33 shall have the power to determine in each instance
34 whether an increase in salary constitutes a promotion.

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

W. J. Asperger
Chairman Senate Committee

Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Takes effect from
Howard Myers
Clerk of the Senate

Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Clerk of the House of Delegates

Ralph Bean
President of the Senate

President of the Senate

H. R. Paulley
Speaker House of Delegates

Speaker House of Delegates

The within approved this the 2nd
day of March, 1959.

_____, 1959.

W. D. Henderson

Governor

Governor

