WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
Committee Substitute for
SENATE BILL NO. 35

(By Mr. Comm. on the Judiciary)

PASSED June 18, 1959
In Effect 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 in positions in police departments shall be filled, so far as practicable, by promotion from among persons holding positions 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 superior 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: And provided further, That notwithstanding anything set forth in section one of this article, any regular member of the police force now occupying the office of chief of police, or hereafter appointed to such office, shall, except as hereinafter provided in this section, be and shall continue to be entitled to all the rights and benefits of the civil service provisions of this article, except that he may be removed from such office of chief of police without cause, and the time spent by such mem-
ber in the office of chief of police shall be added to the
time served by such member during the entire time he
was a member of the police force prior to his appointment
as chief, and shall in all cases of removal, except for re-
moval for good cause, retain the regular rank within the
police department which he held at the time of his ap-
pointment to the office of chief of police or which he has
attained during his term of service as chief of police. The
provisions of this section shall be construed to apply and
to inure to the benefit of all persons who have ever been
subject to the provisions of this article. The commission
shall have the power to determine in each instance
whether an increase in salary constitutes 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.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 3rd day of March, 1959.

Governor