WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 627

(By Mr. [Signature])

PASSED March 7, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67
ENROLLED

House Bill No. 622
(By Miss Tsapis and Mr. Lohr)

[Passed March 9, 1967; in effect from passage.]

AN ACT to amend and reenact section thirteen, article six-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the removal, discharge, suspension, reduction in rank or pay, reduction in numbers and reinstatement of the members of a municipal fire department, and providing that such members may be suspended for certain limited periods without any right to a hearing or review.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article six-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:
ARTICLE 6A. PAID FIRE DEPARTMENTS.
§8-6A-13. Removal, discharge, suspension, etc., of members of fire department.

(a) No member of any fire department within the terms of this article shall be removed, discharged, suspended, or reduced in rank or pay except for just cause, which shall not be religious or political, except as hereinafter provided in section seventeen; further, no such employee shall be removed, discharged, suspended, or reduced except as provided in this article, and in no event until he shall have been furnished with a written statement of the reasons for such action. For the purpose of the remainder of this subsection and subsections (b) and (c) of this section, the term “suspension” shall mean only (1) a suspension in excess of fifteen days or (2) a suspension in any calendar year which when added to any previous suspension or suspensions within the same calendar year results in a total period of suspension in excess of fifteen days within such same calendar year, and for the purpose of the remainder of this subsection and said subsections (b) and (c), a person shall not be considered to be suspended or sought to be suspended
unless his suspension meets the foregoing definition of
said term. In every case of such removal, discharge,
suspension or reduction, a copy of the statement of rea-
sons therefor and of the written answer thereto, if the
person sought to be removed, discharged, suspended or
reduced desires to file such written answer, shall be fur-
nished to the civil service commission and entered upon
its records. If the person sought to be removed, dis-
charged, suspended 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, discharging, suspending or reducing
officer, hereinafter in this section referred to as "remov-
ing officer," to justify his action, and in the event the re-
moving officer fails to justify his action before the civil
service commission, then the person removed, discharged,
suspended or reduced shall be reinstated with full pay,
forthwith and without any additional order, 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 pre-
served 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.
(b) In event that the civil service commission shall
sustain the action of the removing officer the person re-
moved, discharged, suspended or reduced, 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 pe-
tition the supreme court of appeals for a review of the
circuit court's decision.
(c) The removing officer and the person sought to be removed, discharged, suspended or reduced shall at all times, both before the civil service commission and upon appeal, be given the right to employ counsel to represent 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 fire department then said municipality shall follow the procedure set forth in subsection (d) of this section.

(d) The reduction in members of the said fire department of said city or municipality shall be effected by suspending the last man or men, including probationers, that have been appointed to said fire 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 fire department shall again be increased in numbers to the strength existing prior to such reduction of members the said firemen suspended under the terms of this article shall be
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82 reinstated in the inverse order of their suspension before
83 any new appointment to said fire department shall be
84 made.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William J. Sampus
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

W. J. Barlow
Clerk of the Senate

W. A. Lankford
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

W. H. Salan White
Speaker House of Delegates

The within approved this the 17th day of March, 1967.

Hilbert C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date  3/27/67

Time  3:07 P.M.