WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
Committee Substitute for
SENATE BILL NO. 193

(By Senator Boothy)

PASSED March 1, 1986
In Effect 90 days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 193
(SENATOR BOETTNER, original sponsor)

[Passed March 1, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact section twenty-two, article fifteen of said chapter, all relating to requiring two years of continuous service immediately prior to examination for promotion from a lower grade to the next higher grade for paid police and fire department employees of municipalities.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted and that section twenty-two, article fifteen of said chapter be amended and reenacted, all to read as follows:

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICE-MEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

§8-14-17. Vacancies filled by promotions; eligibility for promotion; rights of chief.

1 Vacancies in positions in a paid police department of
2 a Class I or Class II city shall be filled, so far as practi-
3 cable, by promotions from among individuals holding
4 positions in the next lower grade in the department. Promotions shall be based upon merit and fitness to be ascertained by competitive examinations to be provided by the policemen’s civil service commission and upon the superior qualifications of the individuals promoted, as shown by their previous service and experience: Provided, That except for the chief of police, no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination: Provided, however, That notwithstanding the provisions of section six of this article, any member of a paid police department of a Class I or Class II city now occupying the office of chief of such paid police department, or hereafter appointed to such office, shall, except as hereinafter provided in this section, be and shall continue to be entitled to all of 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 member in the office of such chief of police shall be added to the time served by such member during the entire time he was a member of said paid police department prior to his appointment as chief, and shall in all cases of removal, except for removal for good cause, retain the regular rank within said paid police department which he held at the time of his appointment 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 individuals 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.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-22. Vacancies filled by promotions; eligibility for promotion.

Vacancies in positions in a paid fire department shall be
filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department. Promotions shall be based upon merit and fitness to be ascertained by competitive examinations to be provided by the firemen's civil service commission and upon the superior qualifications of the individuals promoted, as shown by their previous service and experience: Provided, That no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination. 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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is hereby approved this the 11th day of December, 1986.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/5/86
Time 5:33 p.m.