

Mo. 193

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

*Committee Substitute for*

SENATE BILL NO. 193

(By Senator Boethius)



PASSED March 1, 1986

In Effect 90 days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 193**  
(SENATOR BOETTNER, *original sponsor*)

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

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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 POLICEMEN; 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.  
5 Promotions shall be based upon merit and fitness to be  
6 ascertained by competitive examinations to be provided  
7 by the policemen's civil service commission and upon  
8 the superior qualifications of the individuals promoted,  
9 as shown by their previous service and experience:  
10 *Provided*, That except for the chief of police, no individ-  
11 ual shall be eligible for promotion from the lower grade  
12 to the next higher grade until such individual shall have  
13 completed at least two years of continuous service in the  
14 next lower grade in the department immediately prior to  
15 said examination: *Provided, however*, That notwith-  
16 standing the provisions of section six of this article, any  
17 member of a paid police department of a Class I or Class  
18 II city now occupying the office of chief of such paid  
19 police department, or hereafter appointed to such office,  
20 shall, except as hereinafter provided in this section, be  
21 and shall continue to be entitled to all of the rights and  
22 benefits of the civil service provisions of this article,  
23 except that he may be removed from such office of chief  
24 of police without cause, and the time spent by such mem-  
25 ber in the office of such chief of police shall be added to  
26 the time served by such member during the entire time  
27 he was a member of said paid police department prior to  
28 his appointment as chief, and shall in all cases of removal,  
29 except for removal for good cause, retain the regular  
30 rank within said paid police department which he held  
31 at the time of his appointment to the office of chief of  
32 police or which he has attained during his term of service  
33 as chief of police. The provisions of this section shall be  
34 construed to apply and to inure to the benefit of all  
35 individuals who have ever been subject to the provisions  
36 of this article. The commission shall have the power to  
37 determine in each instance whether an increase in salary  
38 constitutes a promotion.

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPART-  
MENTS; CIVIL SERVICE FOR PAID FIRE DE-  
PARTMENTS.**

**§8-15-22. Vacancies filled by promotions; eligibility for promo-  
tion.**

1 Vacancies in positions in a paid fire department shall be

2 filled, so far as practicable, by promotions from among  
3 individuals holding positions in the next lower grade in  
4 the department. Promotions shall be based upon merit  
5 and fitness to be ascertained by competitive examinations  
6 to be provided by the firemen's civil service commission  
7 and upon the superior qualifications of the individuals  
8 promoted, as shown by their previous service and experi-  
9 ence: *Provided*, That no individual shall be eligible for  
10 promotion from the lower grade to the next higher grade  
11 until such individual shall have completed at least two  
12 years of continuous service in the next lower grade in the  
13 department immediately prior to said examination. The  
14 commission shall have the power to determine in each  
15 instance whether an increase in salary constitutes a pro-  
16 motion.

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

*Blaine O. Wiggins*  
Chairman Senate Committee

*Floyd Fulber*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Isaac C. Nichols*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Sam Tankership*  
President of the Senate

*Joseph P. Allright*  
Speaker House of Delegates

The within *approved* this the *11th*  
day of *March*, 1986.

*Arthur A. Brown, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/5/86

Time 5:22 p.m.

FILED

1986 MAR 13 AM 11:02

OFFICE OF THE CLERK  
SECRETARY OF STATE

THIS DATE 3/13/86

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA