WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

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ENROLLED

HOUSE BILL No. 2700

(By Mr. Del Damron & Williams)

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Passed March 9, 1991

In Effect 90 Days From Passage
ENROLLED
H. B. 2700
(By Delegates Damron and Williams)

[Passed March 9, 1991; 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, relating to basing paid police and paid fire department promotions on experience and written competitive examinations.

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 a Class I or Class II city 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 experience
and by written competitive examinations to be provided
by the policemen's civil service commission: 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 notwith-
standing the provisions of section six of this article, any
member of a paid police department of 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 appoint-
ment 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 DEPART-
MENTS; 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 experience and by competitive examinations to be provided by the firemen's civil service commission:

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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 29th day of March, 1991.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/00/91
Time 5:00 p.m.