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OFFICE OF WEST VIRGINIA  
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# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

# ENROLLED

HOUSE BILL No. 2700

(By ~~Mr.~~ Del. Damron + Williams)

— ● —

Passed March 9, 1991

In Effect 90 Days From Passage

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

# **H. B. 2700**

(By DELEGATES DAMRON AND WILLIAMS)

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[Passed March 9, 1991; 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, 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
- 2 a Class I or Class II city shall be filled, so far as
- 3 practicable, by promotions from among individuals
- 4 holding positions in the next lower grade in the

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

1 Vacancies in positions in a paid fire department shall  
2 be filled, so far as practicable, by promotions from  
3 among individuals holding positions in the next lower

4 grade in the department. Promotions shall be based  
5 upon experience and by competitive examinations to be  
6 provided by the firemen's civil service commission:  
7 *Provided*, That no individual shall be eligible for  
8 promotion from the lower grade to the next higher  
9 grade until such individual shall have completed at least  
10 two years' of continuous service in the next lower grade  
11 in the department immediately prior to said examina-  
12 tion. The commission shall have the power to determine  
13 in each instance whether an increase in salary consti-  
14 tutes a promotion.

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

*Homer Leck*  
Chairman Senate Committee

*Ernest C Moore*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Samuel E. Adams*  
Clerk of the Senate

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

*Keith Brundette*  
President of the Senate

*Bob C. Carr*  
Speaker of the House of Delegates

The within *is approved* this the *29<sup>th</sup>*  
day of *March*, 1991.

*Gaston Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 5:00 pm