

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

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SENATE BILL NO. 351

(By Senator Bailey, et al)

PASSED March 7, 1991

In Effect from Passage

ENROLLED
Senate Bill No. 351

(BY SENATORS BAILEY, MINARD, DITTMAR, WIEDEBUSCH,
ANDERSON AND FELTON)

[Passed March 7, 1991; in effect from passage.]

AN ACT to amend and reenact sections one and thirteen, article fourteen, and sections one and thirteen, article fourteen-b, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to civil service for deputy sheriffs and correctional officers; and providing that deputy sheriffs or correctional officers who are appointed jailer shall be entitled to rights and benefits under civil service, except that they may be removed without cause, retaining their former rank.

Be it enacted by the Legislature of West Virginia:

That sections one and thirteen, article fourteen, and sections one and thirteen, article fourteen-b, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-1. Appointments and promotions of deputy sheriffs.

1 Notwithstanding the provisions of article three,
2 chapter six, and article seven, chapter seven of this
3 code, all appointments and promotions of full-time

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4 deputy sheriffs, as defined in section two of this
5 article, in the offices of sheriffs of counties of twenty-
6 five thousand population or more, shall be made only
7 according to qualifications and fitness to be ascertained
8 by examinations, which, so far as practicable, shall be
9 competitive, as hereinafter provided. On and after the
10 effective date of this article, no person except the chief
11 deputy or a deputy sheriff appointed as jailer pursuant
12 to the provisions of section two, article eight of this
13 chapter shall be appointed, promoted, reinstated,
14 removed, discharged, suspended or reduced in rank or
15 pay as a full-time deputy sheriff, as defined in said
16 section two, of any county in the state of West Virginia
17 subject to the provisions hereof, in any manner or by
18 any means other than those prescribed in this article.

**§7-14-13. Vacancies filled by promotions; eligibility for
promotion; rights of chief deputy.**

1 Vacancies in positions of deputy sheriff shall be
2 filled, so far as practicable, by promotion from among
3 persons holding positions in the next lower grade.
4 Promotions shall be based upon merit and fitness, to
5 be ascertained by competitive examinations to be
6 provided by the civil service commission, and upon the
7 superior qualifications of the persons promoted, as
8 shown by their previous service and experience:
9 *Provided, That, except for the chief deputy or jailer,*
10 *no person shall be eligible for promotion from the*
11 *lower grade to the next higher grade until such person*
12 *shall have completed at least two years' service in the*
13 *next lower grade: Provided, however, That notwith-*
14 *standing the provisions of section one of this article,*
15 *any person occupying the office of chief deputy or any*
16 *deputy sheriff occupying the office of jailer pursuant*
17 *to the provisions of section two, article eight of this*
18 *chapter in any such county on the effective date of*
19 *this article, or thereafter 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 provisions of this article, except that he*
23 *or she may be removed from such office of chief*
24 *deputy or jailer without cause and the time spent by*

25 such person in the office of such chief deputy or jailer
26 shall be added to the time, if any, served by such
27 person during the entire time he or she was a deputy
28 sheriff of such county prior to his or her appointment
29 as chief deputy or jailer, and shall in all cases of
30 removal, except for removal for just cause, retain the
31 regular rank within said sheriff's office which he or
32 she held, if any, at the time of his or her appointment
33 to the office of chief deputy or jailer or which he or
34 she has attained, if any, during his or her term of
35 service as chief deputy or jailer. The provisions of this
36 section shall be construed to apply and to inure to the
37 benefit of all persons who have ever been subject to
38 the provisions of this article. The commission shall
39 have the power to determine in each instance whether
40 an increase in salary constitutes a promotion.

ARTICLE 14B. CIVIL SERVICE FOR CORRECTIONAL OFFICERS.

§7-14B-1. Appointments and promotions of correctional officers.

1 Notwithstanding the provisions of article three,
2 chapter six, and article seven, chapter seven of this
3 code, all appointments and promotions of full-time
4 correctional officers, as defined in section two of this
5 article, in the offices of sheriffs of counties of twenty-
6 five thousand population or more, shall be made only
7 according to qualifications and fitness to be ascertained
8 by examinations, which, so far as practicable, shall be
9 competitive, as hereinafter provided. On and after the
10 effective date of this article, no person except a
11 correctional officer appointed as jailer pursuant to the
12 provisions of section two, article eight of this chapter
13 shall be appointed, promoted, reinstated, removed,
14 discharged, suspended or reduced in rank or pay as a
15 full-time correctional officer, as defined in said section
16 two, of any county in the state of West Virginia subject
17 to the provisions hereof, in any manner or by any
18 means other than those prescribed in this article.

§7-14B-13. Vacancies filled by promotions; eligibility for promotion.

1 Vacancies in positions of correctional officer shall be

2 filled, so far as practicable, by promotion from among
3 persons holding positions in the next lower grade.
4 Promotions shall be based upon merit and fitness, to
5 be ascertained by competitive examinations to be
6 provided by the civil service commission, and upon the
7 superior qualifications of the persons promoted, as
8 shown by their previous service and experience:
9 *Provided, That, except for a correctional officer*
10 *appointed jailer pursuant to the provisions of section*
11 *two, article eight of this chapter, no person shall be*
12 *eligible for promotion from the lower grade to the*
13 *next higher grade until such person shall have com-*
14 *pleted at least two years' service in the next lower*
15 *grade: Provided, however, That notwithstanding the*
16 *provisions of section one of this article, any correc-*
17 *tional officer occupying the office of jailer pursuant to*
18 *the provisions of section two, article eight of this*
19 *chapter in any such county on the effective date of*
20 *this article, or thereafter appointed to such office,*
21 *shall, except as hereinafter provided in this section, be*
22 *and shall continue to be entitled to all of the rights and*
23 *benefits of the provisions of this article, except that he*
24 *or she may be removed from such office of jailer*
25 *without cause and the time spent by such person in*
26 *the office of such jailer shall be added to the time, if*
27 *any, served by such person during the entire time he*
28 *or she was a correctional officer of such county prior*
29 *to his or her appointment as jailer, and shall in all*
30 *cases of removal, except for removal for just cause,*
31 *retain the regular rank within said sheriff's office*
32 *which he or she held, if any, at the time of his or her*
33 *appointment to the office of jailer or which he or she*
34 *has attained, if any, during his or her term of service*
35 *as jailer. The provisions of this section shall be*
36 *construed to apply and to inure to the benefit of all*
37 *persons who have ever been subject to the provisions*
38 *of this article. The commission shall have the power to*
39 *determine in each instance whether an increase in*
40 *salary constitutes a promotion.*

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

Homer Heck
.....
Chairman Senate Committee

Ernest C. Maene
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

David E. Holmes
.....
Clerk of the Senate

Donald L. Hoop
.....
Clerk of the House of Delegates

Will Burdette
.....
President of the Senate

Bob Cline
.....
Speaker House of Delegates

The within *is approved* this the *26*
day of *May*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/14/91

Time

4:10 pm