WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED
Committee Substitute for
SENATE BILL NO. 478

(By Senator __Felton________)

PASSED __March 8____ 1991
In Effect __90 days from Passage__
AN ACT to repeal section nineteen, article fourteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, three and twenty of said article, relating to civil service for deputy sheriffs; and providing that persons who are currently or who hereinafter serve as deputy sheriffs shall be covered by civil service.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article fourteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, three and twenty of said article be amended and reenacted to read as follows: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, chapter six and article seven, chapter seven of this
code, all appointments and promotions of full-time
deputy sheriffs, shall be made only according to
qualifications and fitness to be ascertained by exami-
nations, which, so far as practicable, shall be compet-
itve, as hereinafter provided. On and after the
effective date of this article, no person except the chief
deputy shall be appointed, promoted, reinstated,
removed, discharged, suspended or reduced in rank or
pay as a full-time deputy sheriff, as defined in said
section two, of any county in the state of West Virginia
subject to the provisions hereof, in any manner or by
any means other than those prescribed in this article.

§7-14-3. Civil service commission.

There shall be a civil service commission in each
county and the state. Each such civil service commis-
sion shall consist of three commissioners, one of whom
shall be appointed by the bar association of such
county, one of whom shall be appointed by the deputy
sheriff's association of such county, and one of whom
shall be appointed by the county commission of such
county. In the event the bar association or deputy
sheriff's association fails to make an appointment
within the time prescribed in this section therefor,
then such appointment shall be made by the county
commission. The persons appointed commissioners
shall be qualified voters of the county for which they
are appointed, and at least two of the commissioners
shall be persons in full sympathy with the purposes of
this article. Not more than two of the commissioners,
at any one time, shall be members of the same
political party. The commissioners in each county shall
be appointed as follows: Within sixty days from the
effective date of this article, the authorities having the
power to appoint members to the civil service commis-
sion shall appoint the three commissioners, the first to
be appointed by the bar association of the county shall
serve for six years from the date of appointment, the
second to be appointed by the deputy sheriff's associ-
ation of the county shall serve for four years from the
date of appointment, and the third to be appointed by
the county commission of the county shall serve for a
term of two years from the date of appointment. All subsequent appointments shall be made for terms of four years. In the event that any commissioner of the civil service commission ceases to be a member thereof by virtue of death, final removal or other cause, a new commissioner shall be appointed to fill the unexpired term of that commissioner within ten days after said ex-commissioner ceased to be a member of the commission. Such appointment shall be made by the authority who appointed the commissioner who is no longer a member of the commission. Each year the three members of the commission shall, together, elect one of their number to act as president of the commission for a term of one year. The county commission may at any time remove a commissioner for good cause, which shall be stated in writing and made a part of the records of the commission. Once the county commission has removed any commissioner, such county commission shall within ten days thereafter file in the office of the clerk of the circuit court of the county a petition setting forth in full the reason for the removal and praying for the confirmation of the circuit court of the action of the county commission in removing the said commissioner. A copy of the petition shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and has precedence on the docket of the circuit court and shall be heard by the court as soon as practicable upon the request of the removed commissioner. All rights hereby vested in the circuit court may be exercised by the judge thereof in vacation. In the event that no term of the circuit court is being held at the time of the filing of the petition, and the judge thereof cannot be reached in the county wherein the petition was filed, the petition shall be heard at the next succeeding term of the circuit court, whether regular or special, and the commissioner so removed shall remain removed until a hearing is had upon the petition of the county commission. The circuit court, or the judge thereof in vacation, shall hear and decide the issues presented by the petition. The county commission or
commissioner, as the case may be, against whom the
decisions of the circuit court or judge thereof in
vacation is rendered has the right to petition the
supreme court of appeals for a review of the decision
of the circuit court or the judge thereof in vacation as
in other civil cases. In the event that the county
commission fails to file its petition in the office of the
clerk of the circuit court, as hereinbefore provided,
within ten days after the removal of the commis-
sioner, such commissioner immediately resumes his
position as a member of the civil service commission.

Any resident of the county has the right at any time
to file charges against and seek the removal of any
member of the civil service commission. The charges
shall be filed in the form of a petition in the office of
the clerk of the circuit court of the county. A copy of
the petition shall be served upon the commissioner
sought to be removed. The petition shall be matured
for hearing and heard as a civil action by the circuit
court of the county for which the commissioner serves
as a member of the civil service commission or by the
judge thereof in vacation. The party against whom the
decision of the circuit court or judge thereof in
vacation is rendered has the right to petition the
supreme court of appeals for a review of the decision
of the circuit court or judge thereof in vacation as in
other civil cases.

No commissioner may hold any other office (other
than the office of notary public) under the United
States, this state or any municipality, county or other
political subdivision thereof; nor may any commis-
sioner serve on any political party committee or take
any active part in the management of any political
campaign.

§7-14-20. Inconsistent acts repealed; once established civil
service remains mandatory.

All acts and parts of acts of the Legislature, whether
general, special or local, in relation to deputy sheriffs
inconsistent with the provisions of this article are
hereby repealed to the extent of such inconsistency.
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 approved this the 20th day of ........................., 1991.

Governor