WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED

HOUSE BILL No. __2451_

Mr. Speaker, Mr. Kiss,
(By Delegates Hutchins, Mahan, Seacrist and Yeager ___ )

Passed ___________________________ April 12, _______________ 1997

In Effect ___________________________ Ninety Days From ___________ Passage
AN ACT to amend and reenact sections sixteen and seventeen, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to probationary period for firefighters; and lengthening the probationary period from six months to one year.

Be it enacted by the Legislature of West Virginia:

That sections sixteen and seventeen, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.


1 The firemen’s civil service commission in each municipality shall make rules providing for both competitive and medical examinations for appointments and promotions to all positions in the paid fire department in the municipality, and for other matters as are necessary to carry out the purposes of the civil service provisions of this article. Any commission shall have the power and authority to require by rules a physical fitness examination as a part of its competitive examination or as a part of
its medical examination: *Provided*, That after the thirtieth
day of June, one thousand nine hundred eighty-one, the
medical requirements for appointment to all positions in
the paid fire department in the municipality shall include,
but not be limited to, the medical requirements stated in
section sixteen, article twenty-two of this chapter. Due
notice of the contents of the rules and of any modifica-
tions thereof shall be given, by mail, in due season, to the
appointing officer; and the rules and any modifications
thereof shall also be printed for public distribution. All
original appointments to any positions in a paid fire
department subject to the civil service provisions of this
article shall be for a probationary period of one year:
*Provided, however*, That at any time during the probation-
ary period the probationer may be discharged for just
cause, in the manner provided in section twenty-five of
this article. If, at the close of this probationary term, the
conduct or capacity of the probationer has not been
satisfactory to the appointing officer, the probationer shall
be notified, in writing, that he or she will not receive
absolute appointment, whereupon his or her employment
shall cease; otherwise, his or her retention in the service
shall be equivalent to his or her final appointment.

§8-15-17. Form of application; age and residency require-
ments; exceptions.

The firemen’s civil service commission in each
municipality shall require individuals applying for
admission to any competitive examination provided for
under the civil service provisions of this article or under
the rules of the commission to file in its office, within a
reasonable time prior to the proposed examination, a
formal application in which the applicant shall state under
oath or affirmation:

(1) His or her full name, residence and post-office
address;

(2) His or her United States citizenship, age and the
place and date of his or her birth;

(3) His or her state of health, and his or her physical
capacity for the public service;
(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information as may reasonably be required, touching upon the applicant's qualifications and fitness for the public service.

Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same. The commission may require, in connection with the application, certificates of citizens, physicians and others, having pertinent knowledge concerning the applicant, as the good of the service may require.

No application for original appointment shall be received if the individual applying is less than eighteen years of age or more than thirty-five years of age at the date of his or her application: Provided, That in the event any applicant formerly served upon the paid fire department of the municipality to which he or she makes application, for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant, within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual shall be eligible for appointment by reinstatement in the discretion of the firemen's civil service commission, even though the applicant shall be over the age of thirty-five years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination, but the applicant shall undergo a medical examination; and if the individual shall be so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department.

Any applicant for original appointment must have been a resident for one year, during some period of time prior to the date of his or her application, of the munici-
pality in which he or she seeks to become a member of the paid fire department: Provided, That if the commission determines it necessary it may consider for original appointment applicants who are not residents of the municipality but who have been residents of the county in which the municipality or any portion of the territory thereof is located for a period of at least one year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Johnson
Chairman Senate Committee

Mike Fantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell E. Hair
Clerk of the Senate

George A. Boy
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Speaker of the House of Delegates

The within is approved this the 15th day of May, 1997.

[Signature]
Governor