

HB 2451

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STATE OF WEST VIRGINIA

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2451

Mr. Speaker, Mr. Kiss,
(By Delegate S Hutchins, Mahan, Seacrist and Yeager)



Passed April 12, 1997

In Effect Ninety Days From Passage

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H. B. 2451

(BY MR. SPEAKER, MR. KISS, AND 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.

§8-15-16. Rules for all examinations; probationary appointments.

1 The firemen's civil service commission in each
2 municipality shall make rules providing for both competi-
3 tive and medical examinations for appointments and
4 promotions to all positions in the paid fire department in
5 the municipality, and for other matters as are necessary to
6 carry out the purposes of the civil service provisions of
7 this article. Any commission shall have the power and
8 authority to require by rules a physical fitness examina-
9 tion as a part of its competitive examination or as a part of

10 its medical examination: *Provided*, That after the thirtieth
11 day of June, one thousand nine hundred eighty-one, the
12 medical requirements for appointment to all positions in
13 the paid fire department in the municipality shall include,
14 but not be limited to, the medical requirements stated in
15 section sixteen, article twenty-two of this chapter. Due
16 notice of the contents of the rules and of any modifica-
17 tions thereof shall be given, by mail, in due season, to the
18 appointing officer; and the rules and any modifications
19 thereof shall also be printed for public distribution. All
20 original appointments to any positions in a paid fire
21 department subject to the civil service provisions of this
22 article shall be for a probationary period of one year:
23 *Provided, however*, That at any time during the proba-
24 tionary period the probationer may be discharged for just
25 cause, in the manner provided in section twenty-five of
26 this article. If, at the close of this probationary term, the
27 conduct or capacity of the probationer has not been
28 satisfactory to the appointing officer, the probationer shall
29 be notified, in writing, that he or she will not receive
30 absolute appointment, whereupon his or her employment
31 shall cease; otherwise, his or her retention in the service
32 shall be equivalent to his or her final appointment.

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

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

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

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

13 (3) His or her state of health, and his or her physical
14 capacity for the public service;

15 (4) His or her business and employments and resi-
16 dences for at least three previous years; and

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

20 Blank forms for the applications shall be furnished by
21 the commission, without charge, to all individuals request-
22 ing the same. The commission may require, in connection
23 with the application, certificates of citizens, physicians and
24 others, having pertinent knowledge concerning the
25 applicant, as the good of the service may require.

26 No application for original appointment shall be
27 received if the individual applying is less than eighteen
28 years of age or more than thirty-five years of age at the
29 date of his or her application: *Provided*, That in the event
30 any applicant formerly served upon the paid fire depart-
31 ment of the municipality to which he or she makes
32 application, for a period of more than one year, and
33 resigned from the department at a time when there were
34 no charges of misconduct or other misfeasance pending
35 against the applicant, within a period of two years next
36 preceding the date of his or her application, and at the
37 time of his or her application resides within the corporate
38 limits of the municipality in which the paid fire depart-
39 ment to which he or she seeks appointment by reinstate-
40 ment is located, then the individual shall be eligible for
41 appointment by reinstatement in the discretion of the
42 firemen's civil service commission, even though the
43 applicant shall be over the age of thirty-five years, and the
44 applicant, providing his or her former term of service so
45 justifies, may be appointed by reinstatement to the paid
46 fire department without a competitive examination, but the
47 applicant shall undergo a medical examination; and if the
48 individual shall be so appointed by reinstatement to the
49 paid fire department, he or she shall be the lowest in rank
50 in the department next above the probationers of the
51 department.

52 Any applicant for original appointment must have
53 been a resident for one year, during some period of time
54 prior to the date of his or her application, of the munici-

55 pality in which he or she seeks to become a member of the
56 paid fire department: *Provided*, That if the commission
57 determines it necessary it may consider for original
58 appointment applicants who are not residents of the
59 municipality but who have been residents of the county in
60 which the municipality or any portion of the territory
61 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 Schoonover
Chairman Senate Committee

Nick Fantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Samuel E. Albee
Clerk of the Senate

Bryony W. Berg
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *1st*
day of *May*, 1997.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

Date 4/25/97

Time 2:06 pm