WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

House Bill No. 4490
(By Delegates Douglas, Kuhn, Butcher, Perdue, Yeager, DeLong and Ennis)

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Passed March 8, 2002

In Effect Ninety Days from Passage
AN ACT to repeal article twenty-nine-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-two, article fifteen, chapter eight of said code; and to amend said chapter by adding thereto a new article, designated article fifteen-a, all relating to professional firefighters; defining terms; appointments to paid fire departments; creating professional firefighters certification board of apprenticeship and training; composition of board; requirements for meetings; requirements for quorum; duties of the board; certification requirements; review of certification; and responsibility for compliance with article.

Be it enacted by the Legislature of West Virginia:

That article twenty-nine-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section twenty-two, article fifteen, chapter eight be amended and reenacted; and that said chapter be amended by adding thereto a new article, designated article fifteen-a, all to read as follows:
ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-22. Vacancies filled by promotions; eligibility for promotion.

Vacancies in positions in a paid fire department shall be filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department. Promotions shall be based upon experience and by competitive written examinations to be provided by the firemen’s civil service commission: Provided, That no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination and has completed the registered apprenticeship and certification program under article fifteen-a, chapter eight of this code: Provided, however, That completion of the registered apprenticeship and certification program as a requirement for promotion shall apply only to those firefighters employed since the twelfth day of June, one thousand nine hundred eighty-seven. The commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

ARTICLE 15A. STANDARDS FOR PROFESSIONAL FIREFIGHTERS TRAINING; REGISTERED APPRENTICESHIP AND CERTIFICATION.


For the purposes of this article, unless a different meaning clearly appears in the context:

(a) "Bureau of apprenticeship and training" means the bureau of apprenticeship and training of the United States Department of Labor;
(b) “Certificate of certification” means a certificate issued by the bureau of apprenticeship and training stating that a person has complied with the standards set forth in this article;

(c) “Local training board” means the board of the local paid fire department required to be established by the standards set forth in section two of this article;

(d) “Municipality” means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(e) “Paid fire department” means those paid fire departments established under the provisions of section nine, article fifteen, chapter eight of this code;

(f) “Professional firefighter” means those persons who are employed by a municipality in the state that has a paid fire department;

(g) “State” means the state of West Virginia;

(h) “State board” means the professional firefighters certification board of apprenticeship and training as established in section three of this article;

(i) “West Virginia professional fire chiefs association” means the association representing paid fire chiefs in the state of West Virginia; and

(j) “Professional firefighters of West Virginia” means the association representing paid firefighters in the state of West Virginia.


All original appointments in a paid fire department subject to the civil service provisions of section sixteen, article fifteen,
chapter eight of this code, made after the twelfth day of June, one thousand nine hundred eighty-seven, shall enroll and complete the requirements as registered with the bureau of apprenticeship and training of the United States Department of Labor, for the craft of fire fighting.


(a) A professional firefighters certification board of apprenticeship and training is hereby created and assigned responsibility for review of programs and standards, for training of apprenticeship and certification of professional firefighters in the state. The state board shall be comprised of five members including two representatives appointed by each of the following: The professional firefighters of West Virginia; the West Virginia professional fire chiefs association, and one representative from the bureau of apprenticeship and training of the United States Department of Labor.

(b) The state board shall elect a chairperson. Meetings may be held upon the call of the chairperson. A majority of the members of the state board constitutes a quorum.

§8-15A-4. Duties of the professional firefighters certification board of apprenticeship and training.

The professional firefighters certification board of apprenticeship and training shall, by or pursuant to rule or regulation:

(a) Establish standards governing the quality of training of paid fire departments in the state pursuant to section two of this article.

(b) Establish the level of skill required for certification.

(c) Adopt procedures for the local training board to follow
in securing certification of a paid firefighter by the bureau of
apprenticeship and training of the United States Department of
Labor.

(d) Certify the paid firefighter as provided in section five of
this article and request a certificate of certification from the
bureau of apprenticeship and training of the United States
Department of Labor to the person that has qualified.

§8-15A-5. Certification requirements.

Standards for certification must meet or exceed those of the
National Fire Protection Association Standards No. 1001 as
amended and updated from year to year.


The state board shall annually review the training curricu-
lum of local training boards offered pursuant to the provisions
of this article, and shall make recommendations to improve the
quality and sufficiency of training to secure certification of paid
firefighters.


The state board shall ensure employer and employee
compliance with this article. The chief of the paid fire depart-
ment and the local training board shall see and assure compli-
ance with all established criteria.

The provisions of this article shall be liberally construed to
accomplish its objectives and purposes.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 21st day of March, 2002.

Governor