

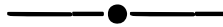
SECRET

2010 MAR 29 PM 3:07

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2010



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4166

(By Delegates Hamilton, Klempa, Miley, Duke,
Ellem, Wells and Manchin)



Passed March 13, 2010

In Effect Ninety Days From Passage

HB 4166

ENROLLED

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COMMITTEE SUBSTITUTE

FOR

OFFICE OF THE CLERK
SECRETARY OF STATE

H. B. 4166

(BY DELEGATES HAMILTON, KLEMPA, MILEY, DUKE,
ELLEM, WELLS AND MANCHIN)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to paid firefighters who seek subsequent employment with other paid fire departments; authorizing applicants over the age of thirty-five who seek subsequent employment with a paid fire department to apply under certain circumstances; and limiting subsequent hiring or reinstatement effects on seniority considerations.

Be it enacted by the Legislature of West Virginia:

That §8-15-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

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

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

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

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

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

14 (4) His or her business and employments and residences
15 for at least three previous years; and

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

19 (b) Blank forms for the applications shall be furnished by
20 the commission, without charge, to all individuals requesting
21 the same.

22 (c) The commission may require, in connection with the
23 application, certificates of citizens, physicians and others,
24 having pertinent knowledge concerning the applicant, as the
25 good of the service may require.

26 (d) Except as provided in subsections (e) and (f) of this
27 section, no application for original appointment shall be
28 received if the individual applying is less than eighteen years

29 of age or more than thirty-five years of age at the date of his
30 or her application.

31 (e) In the event any applicant formerly served upon the
32 paid fire department of the municipality to which he or she
33 makes application, for a period of more than one year, and
34 resigned from the department at a time when there were no
35 charges of misconduct or other misfeasance pending against
36 the applicant, within a period of two years next preceding the
37 date of his or her application, and at the time of his or her
38 application resides within the corporate limits of the
39 municipality in which the paid fire department to which he or
40 she seeks appointment by reinstatement is located, then the
41 individual shall be eligible for appointment by reinstatement
42 in the discretion of the Firemen's Civil Service Commission,
43 even though the applicant shall be over the age of thirty-five
44 years, and the applicant, providing his or her former term of
45 service so justifies, may be appointed by reinstatement to the
46 paid fire department without a competitive examination, but
47 the applicant shall undergo a medical examination; and if the
48 individual shall be so appointed by reinstatement to the paid
49 fire department, he or she shall be the lowest in rank in the
50 department next above the probationers of the department
51 and may not be entitled to seniority considerations.

52 (f) If an individual is presently employed by one paid fire
53 department and is over the age of thirty-five, he or she may
54 make an application to another paid fire department if:

55 (1) The paid fire department to which he or she is
56 applying is serving a municipality that has elected to
57 participate in the West Virginia Municipal Police Officers
58 and Firefighters Retirement System created in article twenty-
59 two-a, chapter eight of this code: *Provided*, That any
60 individual applying pursuant to this subdivision is to be
61 classified as a new employee for retirement purposes and no

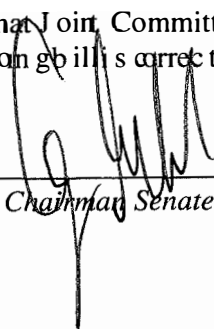
62 prior employment service can be transferred to the West
63 Virginia Municipal Police Officers and Firefighters
64 Retirement System; or

65 (2)The paid fire department to which he or she is
66 applying is serving a municipality that has elected to
67 participate in the West Virginia Public Employees Retirement
68 System created in article ten, chapter five of this code:
69 *Provided*, That any individual applying pursuant to this
70 subdivision is to be classified as a new employee for
71 retirement purposes and no prior employment service can be
72 transferred to the West Virginia Public Employees
73 Retirement System, except for individuals and their prior
74 employment service already credited to them in the West
75 Virginia Public Employees Retirement System pursuant to
76 article ten, chapter five of this code.

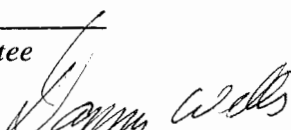
77 (g) Individuals who are authorized to apply to a paid fire
78 department pursuant to subsection (f) of this section shall be
79 in the lowest rank of the department and may not be entitled
80 to seniority considerations.

81 (h) Any applicant for original appointment must have
82 been a resident for one year, during some period of time prior
83 to the date of his or her application, of the municipality in
84 which he or she seeks to become a member of the paid fire
85 department: *Provided*, That if the commission determines it
86 necessary it may consider for original appointment applicants
87 who are not residents of the municipality but who have been
88 residents of the county in which the municipality or any
89 portion of the territory thereof is located for a period of at
90 least one year.

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



Chairman Senate Committee



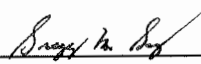
Chairman House Committee

Originating in the House.

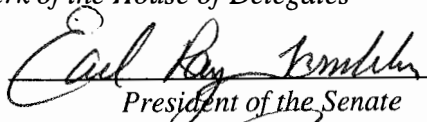
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

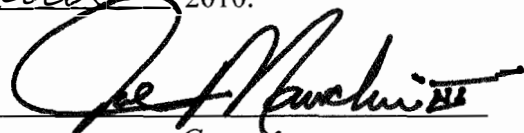


President of the Senate



Speaker of the House of Delegates

The within is approved this the 26th
day of March 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2010

Time 10:00a