WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 89
(Senator Kessler, original sponsor)

[Passed March 4, 2010; in effect ninety days from passage.]
AN ACT to amend and reenact §8-14-6 and §8-14-17 of the Code of West Virginia, 1931, as amended, all relating to paid police departments; and establishing that chiefs or deputy chiefs of police are to return to their previously held position within the paid police department following expiration of term as chief or deputy chief.

Be it enacted by the Legislature of West Virginia:

That §8-14-6 and §8-14-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING; POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.
PART V. CIVIL SERVICE FOR CERTAIN
POLICE DEPARTMENTS.

§8-14-6. Qualifications for appointment or promotion to
positions in certain paid police departments to be
ascertained by examination; provisions exclusive
as to appointments, etc.; definitions.

(a) All appointments and promotions to all positions in
all paid police departments of Class I and Class II cities
shall be made only according to qualifications and fitness
to be ascertained by examinations, which, so far as
practicable, shall be competitive, as hereinafter provided.

(b) No individual, except the chief or deputy chiefs of
police, if the position of deputy chief of police has been
previously created by the city council of that Class I or
Class II city, may be appointed, promoted, reinstated,
removed, discharged, suspended or reduced in rank or pay
as a paid member of a paid police department, regardless
of rank or position, of any Class I or Class II city in any
manner or by any means other than those prescribed in the
following sections of this article: Provided, That an
individual appointed chief or deputy chief of police who
held a position as a member of a paid police department in
that police department before the appointment as chief or
deputy chief of police shall be reinstated to the officer's
previous rank following his or her term as chief or deputy
chief of police.

(c) The term "member of a paid police department",
whenever used in the following sections of this article,
means an individual employed in a paid police department
who is clothed with the police power of the state in being
authorized to carry deadly weapons, make arrests, enforce
traffic and other municipal ordinances, issue summons for
violations of traffic and other municipal ordinances, and
perform other duties which are within the scope of active,
general law enforcement.
(d) The term "appointing officer", as used in the following sections of this article, means the Class I or Class II city officer in whom the power of appointment of members of a paid police department is vested by charter provision or ordinance of the city.

§8-14-17. Vacancies filled by promotions; eligibility for promotion; rights of chief.

(a) Vacancies in positions in a paid police department of a Class I or Class II city shall be filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department.

(b) Promotions shall be based upon experience and by written competitive examinations to be provided by the Policemen's Civil Service Commission: Provided, That except for the chief or deputy chiefs of police, if the position of deputy chief of police has been previously created by the city council of that Class I or Class II city, no individual is eligible for promotion from the lower grade to the next higher grade until the individual has completed at least two years of continuous service in the next lower grade in the department immediately prior to the examination: Provided, however, That notwithstanding the provisions of section six of this article, any member of a paid police department of a Class I or Class II city now occupying the office of chief or deputy chief of police of that paid police department, or hereafter appointed to the office of chief or deputy chief of police, except as hereinafter provided in this section, is entitled to all of the rights and benefits of the civil service provisions of this article, except that he or she may be removed from the office of chief or deputy chief of police without cause, and the time spent by the member in the office of chief or deputy chief of police shall be added to the time served by the member during the entire time he or she was a member of that paid police department prior to his or her appoint-
ment as chief or deputy chief of police, and shall in all cases of removal, except for removal for good cause, retain the regular rank within that paid police department which he or she held at the time of his or her appointment to the office of chief or deputy chief of police or which he or she has attained during his or her term of service as chief or deputy chief of police.

(c) The provisions of this section apply and inure to the benefit of all individuals who have ever been subject to the provisions of this article. The commission may determine in each instance whether an increase in salary constitutes a promotion.
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........................................... this the ............................................. Day of ............................................. 2010.

Governor
PRESENTED TO THE GOVERNOR

MAR 12 2010

Time ___