

H. B. 3243

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(By Delegates Stephens, Martin, D. Poling,
Fleischauer, Morgan, Swartzmiller,
Reynolds, Moye, Butcher, Caputo and Craig)

[Introduced February 21, 2011; referred to the
Committee on the Judiciary.]

11 A BILL to amend and reenact §8-15-11 of the Code of West Virginia,
12 1931, as amended, relating to providing that appointments or
13 promotions to positions in paid municipal fire departments
14 must be made from within the paid municipal department under
15 jurisdiction of the municipal appointing authority.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §8-15-11 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

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

21 **§8-15-11. Qualifications for appointment or promotion to positions**
22 **in paid fire departments to be ascertained by**
23 **examination; provisions exclusive as to appointments,**
24 **etc.; rights of certain chiefs; "appointing officer"**
25 **defined.**

26 (a) All appointments and promotions to all positions in all
27 paid fire departments shall be made only according to
28 qualifications and fitness to be ascertained by examinations,

1 which, so far as practicable, shall be competitive as ~~hereinafter~~
2 ~~provided~~ set forth below: *Provided*, That all appointments made
3 pursuant this article shall be made from within the paid municipal
4 department under jurisdiction of the appointing authority, as of
5 the effective date of reenactment of this section during the 2011
6 Regular Session of the Legislature.

7 (b) No individual may be appointed, promoted, reinstated,
8 removed, discharged, suspended or reduced in rank or pay as a paid
9 member of any paid fire department, regardless of rank or position,
10 in any manner or by any means other than those prescribed in this
11 article: *Provided*, That in all municipalities in which the office
12 of fire chief of a paid fire department was not covered by the
13 provisions of former article six-a of this chapter on January 1,
14 1949, the office in the municipality shall be excepted from the
15 civil service provisions of article fifteen of this chapter, until
16 the time the governing body of the municipality shall, by
17 appropriate ordinance or resolution adopted by a majority of its
18 members, elect to place the office of fire chief under the civil
19 service provisions of this article.

20 (c) Until the office of fire chief is placed under the civil
21 service provisions of this article by the governing body, the
22 member of any paid fire department now occupying such office or
23 hereafter appointed to such office shall in all cases of removal,
24 except for removal for good cause, retain the status he or she held
25 in the paid fire department at the time of his or her appointment
26 to the office of fire chief or which he or she attained during his
27 or her term as fire chief.

1 (d) The term "appointing officer" as used in this article shall
2 mean the municipal officer in whom the power of appointment of
3 members of a paid fire department is vested by charter provision or
4 ordinance of the municipality.

NOTE: The purpose of this bill is to provide that appointments or promotions to positions in paid municipal fire departments must be made from within the paid municipal department under jurisdiction of the appointing municipal authority.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.