

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 617

BY SENATORS BOSO AND CLINE

[Introduced February 19, 2018; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-15-11 of the Code of West Virginia, 1931, as amended, relating
 2 to appointment of members of municipal fire departments and providing for a position of
 3 deputy fire chief to serve at the will and pleasure of the municipal fire chief.

Be it enacted by the Legislature of West Virginia:

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

**§8-15-11. Qualifications for appointment or promotion to positions in paid fire departments
 to be ascertained by examination; provisions exclusive as to appointments, etc.;
 rights of certain chiefs; “appointing officer” defined; appointment of deputy fire
 chief to serve at will and pleasure.**

1 (a) All appointments and promotions to all positions in all paid fire departments shall be
 2 made only according to qualifications and fitness to be ascertained by examinations, which, so
 3 far as practicable, shall be competitive, as hereinafter provided.

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

13 (c) Until the office of fire chief is placed under the civil service provisions of this article by
 14 the governing body, the member of any paid fire department now occupying such office or
 15 hereafter appointed to such office shall in all cases of removal, except for removal for good cause,

16 retain the status he or she held in the paid fire department at the time of his or her appointment
17 to the office of fire chief or which he or she attained during his or her term as fire chief.

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

21 (e) Notwithstanding the other provisions of this article relating to the appointment, removal,
22 disciplinary action, or change in rank or status of members of municipal fire departments, a
23 municipality may elect to establish, through appropriate ordinance, a position of deputy fire chief
24 to be appointed by, and to serve at the will and pleasure of, the municipal fire chief.

NOTE: The purpose of this bill is to allow municipal fire chiefs to appoint a deputy fire chief to serve in that position at the will and pleasure of the fire chief.

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