

COMMITTEE SUBSTITUTE

FOR

**H. B. 3243**

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(BY DELEGATES STEPHENS, MARTIN, D. POLING,  
FLEISCHAUER, MORGAN, SWARTZMILLER,  
REYNOLDS, MOYE, BUTCHER, CAPUTO AND CRAIG)

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(Originating in the Committee on the Judiciary)  
[February 24, 2011]

A BILL to amend and reenact §8-15-11 of the Code of West Virginia, 1931, as amended, relating to appointments to the position of fire chief in paid municipal fire departments not covered by civil service.

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

That §8-15-11 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.**

**§8-15-11. 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.**

1 (a) All appointments and promotions to all positions in all  
2 paid fire departments shall be made only according to  
3 qualifications and fitness to be ascertained by examinations,  
4 which, so far as practicable, shall be competitive as  
5 ~~hereinafter provided~~ set forth below: *Provided*, That as of  
6 the effective date of re-enactment of this section during the  
7 2011 Regular Session of the Legislature, appointments to the  
8 position of fire chief of a paid fire department made pursuant  
9 this article, shall be made from within the paid municipal  
10 department under the jurisdiction of the appointing authority:  
11 *Provided further*, That if no person within the paid municipal  
12 department seeks appointment to the position of fire chief,  
13 the appointing authority may seek applicants from outside the  
14 department.

15 (b) No individual may be appointed, promoted,  
16 reinstated, removed, discharged, suspended or reduced in  
17 rank or pay as a paid member of any paid fire department,  
18 regardless of rank or position, in any manner or by any  
19 means other than those prescribed in this article: *Provided*,

20 That in all municipalities in which the office of fire chief of  
21 a paid fire department was not covered by the provisions of  
22 former article six-a of this chapter on January 1, 1949, the  
23 office in the municipality shall be excepted from the civil  
24 service provisions of article fifteen of this chapter, until the  
25 time the governing body of the municipality shall, by  
26 appropriate ordinance or resolution adopted by a majority of  
27 its members, elect to place the office of fire chief under the  
28 civil service provisions of this article.

29 (c) Until the office of fire chief is placed under the civil  
30 service provisions of this article by the governing body, the  
31 member of any paid fire department now occupying such  
32 office or hereafter appointed to such office shall in all cases  
33 of removal, except for removal for good cause, retain the  
34 status he or she held in the paid fire department at the time of  
35 his or her appointment to the office of fire chief or which he  
36 or she attained during his or her term as fire chief.

37 (d) The term “appointing officer” as used in this article  
38 shall mean the municipal officer in whom the power of  
39 appointment of members of a paid fire department is vested  
40 by charter provision or ordinance of the municipality.