



1                   **etc.; rights of certain chiefs; "appointing officer"**  
2                   **defined.**

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

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

23           (c) Until the office of fire chief and deputy chief is placed

1 under the civil service provisions of this article by the governing  
2 body, the member of any paid fire department now occupying such  
3 office or hereafter appointed to such office shall in all cases of  
4 removal, except for removal for good cause, retain the status he or  
5 she held in the paid fire department at the time of his or her  
6 appointment to the office of fire chief or deputy chief or which he  
7 or she attained during his or her term as fire chief or deputy  
8 chief.

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

13 **§8-15-22. Vacancies filled by promotions; eligibility for**  
14 **promotion.**

15 Vacancies in positions in a paid fire department shall be  
16 filled, so far as practicable, by promotions from among individuals  
17 holding positions in the next lower grade in the department.  
18 Promotions shall be based upon experience and by competitive  
19 written examinations to be provided by the firemen's civil service  
20 commission: *Provided, That except for the chief or deputy chief,*  
21 *if the position of deputy chief has been previously created by city*  
22 *council of that city,* no individual shall be eligible for promotion  
23 from the lower grade to the next higher grade until such individual

1 shall have completed at least two years of continuous service in  
2 the next lower grade in the department immediately prior to said  
3 examination and has completed the registered apprenticeship and  
4 certification program under article fifteen-a, chapter eight of  
5 this code: *Provided, however,* That completion of the registered  
6 apprenticeship and certification program as a requirement for  
7 promotion shall apply only to those firefighters employed since  
8 June 12, 1987. The commission shall have the power to determine in  
9 each instance whether an increase in salary constitutes a  
10 promotion.

NOTE: The purpose of this bill is to permit the reinstatement of former fire chiefs and deputy chiefs to previously held positions in paid fire departments following an expired term as chief or deputy chief. The bill exempts fire chiefs and deputy chiefs from certain civil service requirements.

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