

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4946

BY DELEGATES ANGELUCCI, LONGSTRETH AND CAPUTO

[Introduced February 11, 2020; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating
 2 to eliminating the requirement that municipal police civil service commissions certify a list
 3 of three individuals for every position vacancy in a municipal police department not filled
 4 by promotion, reinstatement or reduction.

Be it enacted by the Legislature of West Virginia:

**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.**

§8-14-15. Appointments from list of eligibles.

1 Every position, unless filled by promotion, reinstatement or reduction, shall be filled only
 2 in the manner specified in this section. The appointing officer shall notify the policemen’s Civil
 3 Service Commission of any vacancy or vacancies in a position or positions which he or she
 4 desires to fill, and shall request the certification of eligibles. The commission shall forthwith certify
 5 ~~from the eligible list~~ the names of eligible ~~the three~~ individuals ranked according to their ~~thereon~~
 6 ~~who received the highest~~ averages at preceding competitive examinations held under the civil
 7 service provisions of this article within a period of three years next preceding the date of the
 8 prospective appointment. The appointing officer shall, thereupon, with sole reference to the
 9 relative merit and fitness of the candidates, make an appointment or appointments from the ~~three~~
 10 names so certified. ~~Provided, That should he make objection, to the commission, to one or more~~
 11 ~~of these individuals, for any of the reasons stated in section fourteen of this article, and should~~
 12 ~~such objection be sustained by the commission, after a public hearing along the lines of the~~
 13 ~~hearing provided for in said section fourteen of this article, if any such hearing is requested, the~~
 14 ~~commission shall thereupon strike the name of any such individual from the eligible list, and certify~~

15 ~~the next highest name for each individual so stricken. As each subsequent vacancy occurs, in the~~
16 ~~same or another position, precisely the same procedure shall be followed: *Provided, however,*~~
17 ~~That after any name has been three times rejected for the same or another position in favor of a~~
18 ~~name or names below it on the same list, the said name shall be stricken from the list. When there~~
19 ~~are a number of positions of the same kind to be filled at the same time, each appointment shall,~~
20 ~~nevertheless, be made separately and in accordance with the foregoing provisions~~ When an
21 appointment is made under the provisions of this section it shall be, in the first instance, for the
22 probationary period of one year, as provided in §8-14-11 of this code.

NOTE: The purpose of this bill is to remove the requirement that municipal civil service commissions certify three eligible individuals for every vacancy declared in a municipal police department.

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