

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4946

BY DELEGATES ANGELUCCI, LONGSTRETH AND CAPUTO

[Originating in the Committee on the Judiciary;

February 21, 2020.]

1 A BILL to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating
2 to revising the requirement that municipal police civil service commissions certify a list of
3 up to three individuals for every position vacancy in a municipal police department not
4 filled 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 up to three eligible ~~the three~~ individuals ranked according to
6 their ~~thereon who received the highest~~ averages at preceding competitive examinations held
7 under the civil service provisions of this article within a period of three years next preceding the
8 date of the prospective appointment. The appointing officer shall, thereupon, with sole reference
9 to the relative merit and fitness of the candidates, make an appointment or appointments from the
10 ~~three~~ names so certified: *Provided*, That should he make objection, to the commission, to one or
11 more of these individuals, for any of the reasons stated in section fourteen of this article, and
12 should such objection be sustained by the commission, after a public hearing along the lines of
13 the hearing provided for in said section fourteen of this article, if any such hearing is requested,
14 the commission shall thereupon strike the name of any such individual from the eligible list, and

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