

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 493**

BY SENATORS RUCKER AND CLINE

[Introduced January 15, 2020; referred  
to the Committee on Military; and then to the  
Committee on Pensions]

1 A BILL to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating  
 2 to firefighters by increasing the age limit of an honorably discharged veteran of the United  
 3 States armed forces or National Guard to 40 years of age for an application for original  
 4 appointment.

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

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

**§8-15-17. Form of application; age and residency requirements; exceptions.**

1 (a) The Firemen’s Civil Service Commission in each municipality shall require individuals  
 2 applying for admission to any competitive examination provided for under the civil service  
 3 provisions of this article or under the rules of the commission to file in its office, within a reasonable  
 4 time prior to the proposed examination, a formal application in which the applicant shall state  
 5 under oath or affirmation:

- 6 (1) His or her full name, residence, and post-office address;
- 7 (2) His or her United States citizenship, age, and the place and date of his or her birth;
- 8 (3) His or her state of health, and his or her physical capacity for the public service;
- 9 (4) His or her business and employments and residences for at least three previous years;

10 and

11 (5) Any other information reasonably required, touching upon the applicant’s qualifications  
 12 and fitness for the public service.

13 (b) Blank forms for the applications shall be furnished by the commission, without charge,  
 14 to all individuals requesting the same.

15 (c) The commission may require, in connection with the application, certificates of citizens,  
 16 physicians, and others, having pertinent knowledge concerning the applicant, as the good of the  
 17 service requires.

18 (d) Except as provided in subsections ~~(e) and (f)~~ (e), (f) and (g) of this section, the  
19 commission may not accept an application for original appointment if the individual applying is  
20 less than 18 years of age or more than 35 years of age at the date of his or her application.

21 (e) If any applicant is an honorably discharged veteran of any branch of the United States  
22 Armed Forces or National Guard, then the individual may apply for an original appointment if the  
23 applicant is not more than 40 years of age.

24 ~~(e)(f)~~ If any applicant formerly served upon the paid fire department of the municipality to  
25 which he or she makes application for a period of more than one year, and resigned from the  
26 department at a time when there were no charges of misconduct or other misfeasance pending  
27 against the applicant within a period of two years next preceding the date of his or her application,  
28 and at the time of his or her application resides within the corporate limits of the municipality in  
29 which the paid fire department to which he or she seeks appointment by reinstatement is located,  
30 then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's  
31 Civil Service Commission, even though the applicant is over the age of 35 years, and the  
32 applicant, providing his or her former term of service so justifies, may be appointed by  
33 reinstatement to the paid fire department without a competitive examination. The applicant shall  
34 undergo a medical examination; and if the individual is so appointed by reinstatement to the paid  
35 fire department, he or she shall be the lowest in rank in the department next above the  
36 probationers of the department and may not be entitled to seniority considerations.

37 ~~(f)(g)~~ If an individual is presently employed by one paid fire department and is over the  
38 age of 35, he or she may make an application to another paid fire department if:

39 (1) The paid fire department to which he or she is applying is serving a municipality that  
40 has elected to participate in the West Virginia Municipal Police Officers and Firefighters  
41 Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual  
42 applying pursuant to this subdivision is to be classified as a new employee for retirement purposes  
43 and prior employment service may not be transferred to the West Virginia Municipal Police

44 Officers and Firefighters Retirement System; or

45 (2) The paid fire department to which he or she is applying is serving a municipality that  
46 has elected to participate in the West Virginia Public Employees Retirement System created in  
47 §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is  
48 to be classified as a new employee for retirement purposes and prior employment service may  
49 not be transferred to the West Virginia Public Employees Retirement System, except for  
50 individuals and their prior employment service already credited to them in the West Virginia Public  
51 Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

52 ~~(g)~~(h) Individuals who are authorized to apply to a paid fire department pursuant to  
53 subsection (f) of this section shall be in the lowest rank of the department and are not entitled to  
54 seniority considerations.

55 ~~(h)~~(i) Notwithstanding charter provisions to the contrary, any applicant for original  
56 appointment need not be a resident of the municipality or the county in which he or she seeks to  
57 become a member of the paid fire department.

NOTE: The purpose of this bill is to increase the age limit for an application for original appointment as a firefighter to 40 years of age for honorably discharged veterans of any branch of US Armed Forces or National Guard.

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