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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4490

(By Delegates Douglas, Kuhn, Butcher, Perdue,  
Yeager, DeLong and Ennis)



Passed March 8, 2002

In Effect Ninety Days from Passage

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**E N R O L L E D**

## **H. B. 4490**

(BY DELEGATES DOUGLAS, KUHN, BUTCHER, PERDUE,  
YEAGER, DELONG AND ENNIS)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to repeal article twenty-nine-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-two, article fifteen, chapter eight of said code; and to amend said chapter by adding thereto a new article, designated article fifteen-a, all relating to professional firefighters; defining terms; appointments to paid fire departments; creating professional firefighters certification board of apprenticeship and training; composition of board; requirements for meetings; requirements for quorum; duties of the board; certification requirements; review of certification; and responsibility for compliance with article.

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

That article twenty-nine-a, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section twenty-two, article fifteen, chapter eight be amended and reenacted; and that said chapter be amended by adding thereto a new article, designated article fifteen-a, all to read as follows:

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

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

1        Vacancies in positions in a paid fire department shall be  
2 filled, so far as practicable, by promotions from among individ-  
3 uals holding positions in the next lower grade in the depart-  
4 ment. Promotions shall be based upon experience and by  
5 competitive written examinations to be provided by the fire-  
6 men's civil service commission: *Provided*, That no individual  
7 shall be eligible for promotion from the lower grade to the next  
8 higher grade until such individual shall have completed at least  
9 two years of continuous service in the next lower grade in the  
10 department immediately prior to said examination and has  
11 completed the registered apprenticeship and certification  
12 program under article fifteen-a, chapter eight of this code:  
13 *Provided, however*, That completion of the registered appren-  
14 ticeship and certification program as a requirement for promo-  
15 tion shall apply only to those firefighters employed since the  
16 twelfth day of June, one thousand nine hundred eighty-seven.  
17 The commission shall have the power to determine in each  
18 instance whether an increase in salary constitutes a promotion.

**ARTICLE 15A. STANDARDS FOR PROFESSIONAL FIREFIGHTERS  
TRAINING; REGISTERED APPRENTICESHIP AND  
CERTIFICATION.**

**§8-15A-1. Definitions.**

1        For the purposes of this article, unless a different meaning  
2 clearly appears in the context:

3        (a) "Bureau of apprenticeship and training" means the  
4 bureau of apprenticeship and training of the United States  
5 Department of Labor;

6 (b) "Certificate of certification" means a certificate issued  
7 by the bureau of apprenticeship and training stating that a  
8 person has complied with the standards set forth in this article;

9 (c) "Local training board" means the board of the local paid  
10 fire department required to be established by the standards set  
11 forth in section two of this article;

12 (d) "Municipality" means any incorporated town or city  
13 whose boundaries lie within the geographic boundaries of the  
14 state;

15 (e) "Paid fire department" means those paid fire depart-  
16 ments established under the provisions of section nine, article  
17 fifteen, chapter eight of this code;

18 (f) "Professional firefighter" means those persons who are  
19 employed by a municipality in the state that has a paid fire  
20 department;

21 (g) "State" means the state of West Virginia;

22 (h) "State board" means the professional firefighters  
23 certification board of apprenticeship and training as established  
24 in section three of this article;

25 (i) "West Virginia professional fire chiefs association"  
26 means the association representing paid fire chiefs in the state  
27 of West Virginia; and

28 (j) "Professional firefighters of West Virginia" means the  
29 association representing paid firefighters in the state of West  
30 Virginia.

### **§8-15A-2. Original appointments.**

1 All original appointments in a paid fire department subject  
2 to the civil service provisions of section sixteen, article fifteen,

3 chapter eight of this code, made after the twelfth day of June,  
4 one thousand nine hundred eighty-seven, shall enroll and  
5 complete the requirements as registered with the bureau of  
6 apprenticeship and training of the United States Department of  
7 Labor, for the craft of fire fighting.

**§8-15A-3. Professional firefighters certification board of apprenticeship and training.**

1 (a) A professional firefighters certification board of  
2 apprenticeship and training is hereby created and assigned  
3 responsibility for review of programs and standards, for training  
4 of apprenticeship and certification of professional fire fighters  
5 in the state. The state board shall be comprised of five members  
6 including two representatives appointed by each of the follow-  
7 ing: The professional firefighters of West Virginia; the West  
8 Virginia professional fire chiefs association, and one represen-  
9 tative from the bureau of apprenticeship and training of the  
10 United States Department of Labor.

11 (b) The state board shall elect a chairperson. Meetings may  
12 be held upon the call of the chairperson. A majority of the  
13 members of the state board constitutes a quorum.

**§8-15A-4. Duties of the professional firefighters certification board of apprenticeship and training.**

1 The professional firefighters certification board of appren-  
2 ticeship and training shall, by or pursuant to rule or regulation:

3 (a) Establish standards governing the quality of training of  
4 paid fire departments in the state pursuant to section two of this  
5 article.

6 (b) Establish the level of skill required for certification.

7 (c) Adopt procedures for the local training board to follow

8 in securing certification of a paid firefighter by the bureau of  
9 apprenticeship and training of the United States Department of  
10 Labor.

11 (d) Certify the paid firefighter as provided in section five of  
12 this article and request a certificate of certification from the  
13 bureau of apprenticeship and training of the United States  
14 Department of Labor to the person that has qualified.

**§8-15A-5. Certification requirements.**

1 Standards for certification must meet or exceed those of the  
2 National Fire Protection Association Standards No. 1001 as  
3 amended and updated from year to year.

**§8-15A-6. Review of certification.**

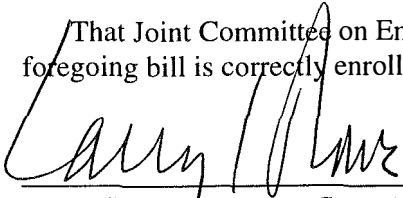
1 The state board shall annually review the training curricu-  
2 lum of local training boards offered pursuant to the provisions  
3 of this article, and shall make recommendations to improve the  
4 quality and sufficiency of training to secure certification of paid  
5 firefighters.

**§8-15A-7. Compliance.**

1 The state board shall ensure employer and employee  
2 compliance with this article. The chief of the paid fire depart-  
3 ment and the local training board shall see and assure compli-  
4 ance with all established criteria.

5 The provisions of this article shall be liberally construed to  
6 accomplish its objectives and purposes.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

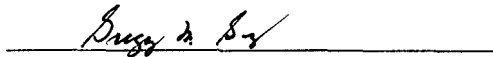
  
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Chairman Senate Committee

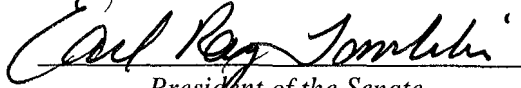
  
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Chairman House Committee


Originating in the House.

In effect ninety days from passage.

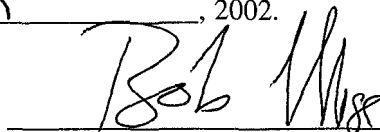
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 21<sup>st</sup> day of March, 2002.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/15/02

Time 5:17 PM