

**RULES AND REGULATIONS
FOR
JEFFERSON COUNTY DEPUTY SHERIFFS
CIVIL SERVICE COMMISSION
OF JEFFERSON COUNTY, WEST VIRGINIA**



Approved by the Jefferson County Deputy Sheriffs Civil Service Commission


**Effective December 22, 2021
Amended February 2, 2022**

Submitted to the Sheriff of Jefferson County
February 3, 2022


Submitted to the Jefferson County Commission
February 3, 2022

Commissioners: Stephen C. Cox II, President
Willard L. Liston
Vacant

Administrative: Jacqueline C. Shadle, County Clerk



Stephen C. Cox, II 3 FEB 2022 Date



Willard Liston 02-03-2022 Date

**RULES AND REGULATIONS
FOR THE JEFFERSON COUNTY DEPUTY SHERIFFS CIVIL SERVICE
COMMISSION**

PART I. GENERAL

Section 1.01 Purpose (§7-14-6)

- (a) As required in West Virginia Code Chapter 7 Article 14, the following rules and regulations are established to provide for the administration of the civil service requirements for the Deputy Sheriffs of Jefferson County, West Virginia. These rules and regulations have the full force and effect of law and apply to all those stipulated by West Virginia law. These rules and regulations supplement the West Virginia Code and §149CSR2 (Title 149; Legislative Rule, Governor's Committee on Crime, Delinquency and Correction, Series 2, Law Enforcement Training and Certification Standards) in so much as they provide for local requirements for the administration of the requirement of law.
- (b) To provide for employment security for Deputy Sheriffs by protecting said Deputies from the vicissitudes which may be present in the absence of the Civil Service statutes, and
- (c) To provide for a complete, all-inclusive and non-discriminatory system for the appointment, promotion, reduction, removal and reinstatement of Deputy Sheriffs.
- (d) These rules and regulations so prescribed may, from time to time, be added to, amended or rescinded.

Section 1.02 Authority of Promulgation.

The Rules and Regulations contained herein are promulgated pursuant to the authority vested in the Deputy Sheriffs' Civil Service Commission by West Virginia Code §7-14-7.

Section 1.03 Effective Date.

These Rules and Regulations are effective upon approval of the Jefferson County Deputy Sheriffs Civil Service Commission (JCDS CSC) as noted on the front of these Rules and Regulations.

Section 1.04 Distribution of Copies.

Copies of these Rules and Regulations shall be distributed to the Sheriff and each Deputy Sheriff. Additional copies may be obtained from the JCDS CSC.

Section 1.05 Amendments.

Amendments to these Rules and Regulations may be adopted from time to time by JCDCSC and shall become effective upon approval by the JCDCSC. Copies of amendments to these Rules and Regulations shall be distributed in the same manner as the Rules and Regulations.

Section 1.06 Severability

If any provision of these Rules and Regulations or its application to any person or circumstance is determined to be unconstitutional, in conflict with State or Federal law or is otherwise invalid, such unconstitutionality conflict or invalidity shall not affect other provisions or application of these Regulations. And, to this end, the provisions of these Regulations will be interpreted to comply with law where possible, and when not possible, those provisions shall be held void and severable.

PART II. DEFINITIONS

Section 2.01 As used in these Regulations, the term or phrase:

- (a) "Appointing Officer" means the Sheriff.
- (b) "Appointment" means the process whereby Deputy Sheriff vacancies which are not filled by promotion, reinstatement, reduction or non-competitive examination (provisional appointment) are filled by persons.
- (c) "Code of West Virginia" or "The Code" means the Code of West Virginia of 1931, as amended.
- (d) "Jefferson County Deputy Sheriffs Civil Service Commission" or "JCSDCSC" means the Jefferson County Deputy Sheriffs Civil Service Commission, duly constituted and appointed under the provisions of West Virginia Code §7-14-3.
- (e) "Deputy Sheriff," "Deputy" or "Deputies" shall mean persons appointed by a Sheriff as his Deputies whose primary duties are within the scope of active, general law enforcement and as such are authorized to carry deadly weapons, patrol the highways, perform police Law Enforcement functions, make arrests, or safeguard prisoners. This definition shall not be construed to include any person or persons whose sole duties shall be the service of civil process and subpoenas, but such exclusion shall not preclude the service of civil process or subpoenas by Deputy Sheriffs.
- (f) "Promotion" means advancement in rank and base pay. The term "Promotion", in the discretion of the JCSDCSC, may also mean a raise in base pay not shared by other members of the same rank.
- (g) "Removing officer" means the Sheriff.
- (h) "Suspension, Discharge, Removal, or Reduction in Rank or Pay" means any such suspension, removal, discharge, or reduction in pay, regardless of the time period involved.
- (i) "The Sheriff's Office" means the Office of the Sheriff of Jefferson County, West Virginia.
- (j) "Hearing Board" means the Sheriff's Conduct Review Board established pursuant to West Virginia Code §7-14C-1(4).
- (k) "Punitive Action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer for purposes of punishment.

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- (l) "Transfer for Purposes of Punishment" means an involuntary transfer from one assignment to another assignment as a result of a complaint against the member as punishment or an involuntary transfer for reasons other than economy, administrative efficiency, competence, training or managerial discretion. An affected officer shall have the initial burden of establishing that any transfer is for punitive purposes. If so established, the Sheriff will have the ultimate burden of establishing good cause for the punitive transfer.
- (m) "Business day" means days when County Offices open for the general transaction of public business.

PART III. DEPUTY SHERIFFS CIVIL SERVICE COMMISSION

Section 3.01 Organization of the JCDCSCSC.

(a) **Membership -**

- (i) *The JCDCSCSC shall consist of three members, whose appointment and removal shall be in accordance with the terms of West Virginia Code §7-14-3.*
- (ii) *Temporary absence - Recusal. In the event that a JCDCSCSC is temporarily unable to fulfill his duties for reasons including but not limited to military service, medical necessity or recusal from an issue or case, that Commissioner's appointing authority shall designate a temporary replacement Commissioner to act in the stead of its appointed Commissioner for that case or issue or for the term of the absence or disability.*

(b) **President; Vice President -**

- (i) *At the first regularly scheduled meeting after the first day of July, each year, the three (3) members of the JCDCSCSC shall elect one of their members to serve as President of JCDCSCSC and one of their members to serve as Vice President of JCDCSCSC. The term of each shall be one (1) year from the date of election.*
- (ii) *It shall be the duty of the President to preside over meetings and to generally act as spokesman for the JCDCSCSC. The President shall also cause a complete record of JCDCSCSCs actions and activities to be kept.*
- (iii) *It shall be the duty of the Vice President to perform the duties of the President in the event of the President's absence from a meeting, or in the event of the President's death, resignation from the JCDCSCSC or other permanent incapacity, until such time as a new member is appointed and a new president is elected.*
- (iv) *In the event of the death, resignation or other incapacity of the President, a new President shall be elected in the manner provided for above immediately following the appointment of a new member Commissioner.*

- (c) **Quorum -** Except as hereinafter provided, two (2) members of the JCDCSCSC shall constitute a quorum for the transaction of business.

- (d) **Meetings -** The JCDCSCSC shall meet at the call of the President or any Commissioner.

(e) **Clerk of the JCDCSCSC**

- (i) *The County Clerk shall be ex officio clerk of the JCDCSCSC and shall supply to JCDCSCSC all necessary clerical and stenographic services for the work of JCDCSCSC. §7-14-4*

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- (ii) *It shall be the duty of the County Clerk of every such county to cause suitable and convenient rooms and accommodations to be assigned and provided, furnished, heated and lighted for carrying on the work and examinations of the JCDCSC. The JCDCSC may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use. It shall be the duty of the County Clerk and other county officials of every such county to aid the JCDCSC in all proper ways in carrying out the provisions of this article, and to allow the reasonable use of public buildings, and to heat and light the same, for holding examinations and investigations and in all proper ways to facilitate the same. The County Clerk of each such county is hereby required to appropriate sufficient funds for the purpose of carrying out the provisions of this article. §7-14-5*

Section 3.02 Liberal Construction.

These Regulations shall be liberally constructed to accomplish the objectives and purposes of the JCDCSC.

Section 3.03 Powers and Duties of the JCDCSC §7-14-6

- (a) Prescribe and enforce rules and regulations for carrying into effect the provisions of this article. All rules and regulations so prescribed may, from time to time, be added to, amended or rescinded.
- (b) Keep minutes of its own proceedings and records of its examinations and other official actions.
- (c) Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this article and the rules and regulations prescribed hereunder or concerning the action of any examiner or subordinate of JCDCSC or any person in the public service with respect to the execution of this article; and, in the course of such investigations, each commissioner shall have the power to administer oaths and affirmations and to take testimony.
- (d) Shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigations and inquiries herein authorized, and
- (i) *examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate.*
- (ii) *The fee of such witnesses for attendance and travel shall be the same as for witnesses before the circuit courts of this state and shall be paid from the appropriation for the incidental expenses of the JCDCSC.*
- (iii) *All officers in the public service and they're deputies, clerks, subordinates and employees shall attend and testify when required to do so by the JCDCSC.*

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- (iv) *Any disobedience to, or neglect of, any subpoena issued by JCDS CSC, or any one of them, to any person, shall be held a contempt of court.*
- (e) The JCDS CSC will prepare a Position or Rank Classification Plan that will include position descriptions for the Jefferson County Sheriff's Office.
- (i) *The plan will be updated as needed. Further, it will be reviewed, not to exceed every three (3) years.*
- (ii) *Once the plan is complete and approved, a copy of the approved plan will be distributed as follows:*
- 1) Jefferson County Sheriff
 - 2) President of the Jefferson County Deputy Sheriff's Association
 - 3) Jefferson County Commission
- (iii) *The following are the position classifications for the Jefferson County Sheriff's Office.*
- a) Captain
 - b) Lieutenant
 - c) Sergeant
 - d) Corporal
 - e) Deputy
- (f) Make an annual report to the County Commission and Sheriff showing its own actions, its rules and regulations, including all exceptions (amendments) thereto in force, and the practical effects thereof, and any suggestions it may have for the more effectual accomplishment of the purposes of this article. Such report shall be available for public inspection five days after it shall have been delivered to the County Commission and sheriff. This annual report will be presented in the month of July
- (g) The JCDS CSC shall provide for the implementation of the purposes of the JCDS CSC:
- (i) *shall hold such hearings as may be required by law or such hearings as it may, in its discretion determine to be necessary, in accordance with these rules and regulations; and*
 - (ii) *shall have the powers to employ legal counsel and other professional services, at County expense, to assist the JCDS CSC in its duties;*
 - (iii) *shall have the power to initiate legal action in furtherance of the objections and purposes of the JCDS CSC; and*
 - (iv) *shall have all powers expressed in the Code or these Regulations and such other powers as may be fairly implied therefrom.*

PART IV. ESTABLISHING A LIST OF ELIGIBLE CANDIDATES

Section 4.01 Application of this part.

Deputy vacancies not filled by promotion, reinstatement, reduction or non-competitive examination (provisional appointment), shall be filled in accordance with the provisions of this part.

Section 4.02 JCDCSC to be notified by Appointing Officer.

The Appointing Sheriff shall notify the JCDCSC of any vacancy which he desires to fill by appointment. In conjunction with such notification, the Appointing Sheriff shall request that the names of three persons eligible for appointment be certified to him by the JCDCSC.

Section 4.03 Procedure upon receipt of request from Appointing Officer.

Upon receipt of request for such names from the Appointing Sheriff the JCDCSC may certify to the Appointing Sheriff names from any existing list of eligible candidates from which appointments shall be made. Alternatively, JCDCSC may terminate any existing list of eligible candidates, or, if no such list exists, JCDCSC shall proceed to establish a new list of eligible candidates in accordance with these rules and regulations and certify names from the new list of eligible candidates to the Appointing Officer.

Section 4.04 Public Notice §7-14-9

- (a) Upon determining to establish a list of eligible candidates, the JCDCSC shall give public notice of the following:
 - (i) *The fact that the JCDCSC will maintaining or will establish, a list of eligible candidates; and*
 - (ii) *The requirements that must be satisfied in order to be placed on the list of eligible candidates; and*
 - (iii) *The date on which the written and other competitive examinations for the position will be begin.*
 - (iv) *Locations at which applications for the position may be obtained; and*
 - (v) *The last date on which applications for the position will be accepted by the JCDCSC; But not to prevent JCDCSC from having an open acceptance of applications.*
- (b) Each such notice shall be distributed at the discretion of the JCDCSC to assure a reasonably diverse applicant pool that a list of eligible candidates is being maintained.

Section 4.05 Application for Eligibility Form

(a) Shall be available from all locations determined by the JCDCSCSC such as any County Clerk's Office, any County Commission Office, any Sheriffs' Office and any county court houses on a continuing basis during normal business hours Monday through Friday. This provision does not preclude the distribution of preliminary applications by anyone else nor does it preclude distribution at other times or electronically. The form shall request the data required by West Virginia Code and other information deemed necessary by the JCDCSCSC.

(b) The following information must be submitted by the applicant:

- (i) *Full Legal Name*
- (ii) *Date of Birth*
- (iii) *Social Security Number*
- (iv) *Physical Address*
- (v) *Email Address*
- (vi) *Telephone Number(s)*
- (vii) *High School Graduate or Equivalent*
- (viii) *United States Citizenship*
- (ix) *Military Experience*
- (x) *Certified Law Enforcement*
- (xi) *Waiver of Liability to Perform Agility*
- (xii) *Swear and affirm*

(c) The completed application shall be submitted in person, by mail or email to:

Jefferson County Deputy Sheriffs Civil Service Commission
c/o Jefferson County Clerk
Jefferson County Courthouse
100 East Washington Street
PO Box 208
Charles Town, WV 25414
JCDCSCSC@jeffersoncountywv.org

Section 4.06 Commission to establish eligible list –Notice of removal or disqualification.

- (a) JCDCSCSC shall establish and maintain, by comprehensive evaluations and examinations, an eligible list from persons who make application for appointment under provisions of this part. The list of eligible candidates shall continue in full force and effect until:
- (i) *the list is exhausted by appointments therefrom or removal of names for other reasons;*
 - (ii) *a resting or unused passage of two (2) years' time from the date the list was last used;*
or
 - (iii) *until termination of the list by Order of JCDCSCSC; or*

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- (iv) *JCDSCSC, may, in its discretion, extend the validity of any existing list of eligible candidates beyond two (2) years but in any event no list shall be valid for more than three (3) stale years.*

Section 4.07 Refusal of JCDSCSC to examine.

- (a) JCDSCSC may refuse to examine an applicant who does not meet the requirements of this part, based upon information coming into its hands by way of the application, or any other source. Upon determining that an applicant will not be admitted to the examination, the JCDSCSC shall send a notice to the applicant at the address listed on his application. The applicant will then have a period of ten (10) business days to request a hearing before JCDSCSC. Failure to request a hearing within ten (10) business days of notice being mailed to the applicant's address on the application will be deemed a waiver of the applicant's right to contest the decision of JCDSCSC.
- (b) Any applicant removed from the list of eligible candidates due to failure to pass any portion of the testing, or disqualified by the JCDSCSC for any other reason shall be notified of such removal by the Clerk of the JCDSCSC by notice sent to the address listed /email by the applicant on his application. The notice shall state that the applicant may request a hearing on his disqualification or removal provided that such request is made in writing, sent to the Clerk of the JCDSCSC and is actually received by the Clerk of the JCDSCSC within ten (10) business days from the date of the notice. Any applicant who fails to request a hearing within ten (10) days shall have no right to contest his or her removal.

Section 4.08 Examinations

- (a) JCDSCSC shall make rules and regulations providing for both competitive and medical examinations for the position of deputy sheriff in each such county subject to the provisions of this article, for appointments to the position of deputy sheriff. §7-14-7
- (b) All competitive examinations for appointments or promotions to all positions of deputy sheriff shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the person or persons examined to discharge the duties of the position sought by or them. §7-14-9
- (c) Examinations can be given in any sequence at the discretion of the JCDSCSC or single Commissioner.
- (d) All exams shall be proctored by member(s) of the JCDSCSC. The JCDSCSC may request the assistance of its Clerk and Deputies.

(e) Written Examination

- (i) *JCDSCSC shall select an appropriate written examination which meets the requirements of West Virginia Code §7-14-9 and shall cause the same to be administered and promptly scored.*
- (ii) *At least one member of the JSCSCSC will proctor and monitor each testing.*
- (iii) *Each applicant will be required to appear in person at the time and place specified by the JSCSCSC.*
- (iv) *Applicants must provide a government issued photo identification to the test proctors.*

(f) Oral Examination

- (i) *When the JCDSCSC has determined that an applicant has fulfilled all requirements outlined in Section 4.04 Public Notice § 7-14-9 of this document, a structured oral examination shall be scheduled for the applicant.*
- (ii) *Participation in the oral examination is required to be placed on the eligibility list.*
- (iii) *The interview panel shall be comprise of three (3) members with no more than two (2) members from a single entity.*
- (iv) *If a quorum of JCDSCSC members determine that an interview panel of three cannot be assembled within 30 calendar days, two JCDSCSC member shall conduct the oral interview.*
- (v) *Each applicant will be required to appear in person at the time and place specified by the JCDSCSC for the oral interview.*
- (vi) *A maximum of five (5) questions shall be asked. The questions shall be chosen in advance and supplied to the panel members by the JCDSCSC. Questions will be asked by panel members in a rotating order.*
- (vii) *Follow-up questions for clarification may be asked by panel members based on applicant's responses to the five questions.*
- (viii) *Each panel member will utilize a scoring scale, not to exceed 100 points, for each applicant.*
- (ix) *The final score for the oral examination for each applicant shall be awarded as an average of the scores submitted by all members of the interview panel, not to exceed 100 points.*
- (x) *Scoring will be completed by each panel member immediately after the interview.*
- (xi) *Panel members will submit their score sheets to the JCDSCSC to be archived.*

(g) Physical ability examination.

(i) *All applicants who require basic entry-level law enforcement training must achieve a passing score on all three physical ability examines listed below. These requirements are set forth by the West Virginia Law Enforcement & Professional Standards (LEPS) subcommittee §149-2-8(5)a. Currently LEPS uses a passing score of the 40th percentile of the Coopers Institute standards.*

- 1) Push Ups
- 2) Sit Ups
- 3) 1.5 mile run

Section 4.09 Computation of scores and compilation of list of eligible candidates.

(a) Applicants shall be ranked in the order of merit adding the below score cumulatively for a possible total score of 110 points

(i) *Written examination of a possible 100 points*

(ii) *Oral Examination of a possible 100 points*

(iii) *The cumulative oral and written scores will be divided by 2 with a maximum possible score of 100.*

(iv) *Veteran preference shall receive an additional five (5) points in accordance with West Virginia Code §6-13-1.*

(v) *Certified law enforcement officers shall receive an additional five (5) points added to the computed score.*

(b) Examination scores will be posted at the office of the JCDCSC and at such other places designated by the JCDCSC.

(c) Any applicant who wishes to challenge the accuracy of the scoring of his or her examination shall notify JCDCSC of his or her challenge within five business days (5) after the results are posted at the office of the JCDCSC. After the results are posted for five (5) business days, no challenge will be considered.

Section 4.10 Anti-discrimination provision; prohibited inquiry.

No question on the applications or the examinations mentioned in this part, whether oral or written, shall be framed or designed so as to illicit from any applicant information linked to such applicants political or religious opinions or affiliations. No applicant shall be discriminated against on the basis of race, religion, color, nation origin, ancestry, sex, age, blindness, handicap or familial status.

Section 4.11 Certification of eligible candidates to Appointing Sheriff.

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- (a) When requested by the Appointing Sheriff, JCDCSC will forward the names of at least the top three certified applicants in the order in which they appear on the eligible list.
 - (b) When an applicant has been passed over in favor of a candidate which ranks below that applicant on the eligible list on three occasions, the candidate shall be stricken from the current list of eligible candidates and disqualified from further consideration consistent with the provisions of West Virginia Code §7-14-11. This disqualification doesn't prevent the applicant from reapplying for the eligible list after six months.
 - (c) An applicant certified by JCDCSC but not hired by the Sheriff for any reason shall have no right of appeal to this Commission as JCDCSC has no jurisdiction or authority over ultimate hiring decisions, only certification.

PART V. BACKGROUND INVESTIGATION

Section 5.01 Background investigation.

The Office of the Sheriff conducts the background investigation on all applicants. Immediately upon receiving an Application for Eligibility Form, the JCDCSC will forward a copy to the sheriff's office for their use. JCDCSC shall consider the information presented and may certify or refuse to certify an applicant based upon the information available. In the alternative, JCDCSC may request additional information or further investigation before determining whether or not to certify any applicant.

