

**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  
Amended March 7, 2022

Submitted to the Sheriff of Jefferson County  
March 14, 2022

Submitted to the Jefferson County Commission  
March 14, 2022

Commissioners: Stephen C. Cox II, President  
Willard L. Liston, Vice President  
Jean Vezzosi, Commission

Administrative: Jacqueline C. Shadle, County Clerk

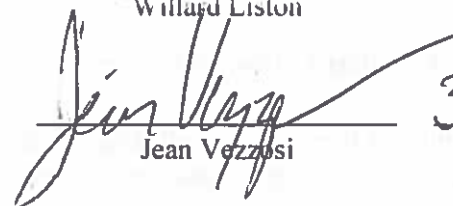
  
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Stephen C. Cox, II

14 MARCH 2022

  
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Willard Liston

14 March 2022

Date

  
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Jean Vezzosi

3-14-22

Date

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**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- (d) These rules and regulations so prescribed may, from time to time, be added to, amended or rescinded.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.

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**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.

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## **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 "JCDCSC" 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/her 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 JCDCSC, 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.

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## PART III. DEPUTY SHERIFFS CIVIL SERVICE COMMISSION

### Section 3.01 Organization of the JCDSCSC.

(a) Membership -

- (i) *The JCDSCSC 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 JCDSCSC commissioner is temporarily unable to fulfill his/her 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 JCDSCSC shall elect one of their members to serve as President of JCDSCSC and one of their members to serve as Vice President of JCDSCSC. 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 JCDSCSC. The President shall also cause a complete record of JCDSCSC's 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 JCDSCSC 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 JCDSCSC shall constitute a quorum for the transaction of business.

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

(e) Clerk of the JCDSCSC

- (i) *The County Clerk shall be ex officio clerk of the JCDSCSC and shall supply to JCDSCSC all necessary clerical and stenographic services for the work of JCDSCSC. §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 JCDCSC, or any one of them, to any person, shall be held in contempt of court.*
- (e) The JCDCSC 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.*
- 1) Captain
  - 2) Lieutenant
  - 3) Sergeant
  - 4) Corporal
  - 5) 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 (5) 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 JCDCSC shall provide for the implementation of the purposes of the JCDCSC:
- (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 JCDCSC in its duties;*
- (iii) *shall have the power to initiate legal action in furtherance of the objections and purposes of the JCDCSC; and*
- (iv) *shall have all powers expressed in the Code or these Regulations and such other powers as may be fairly implied therefrom.*

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## **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 or Sheriff.**

The Appointing Officer or Sheriff shall notify the JCDCSC of any vacancy which he desires to fill by appointment. In conjunction with such notification, the Appointing Officer or 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 or Sheriff.**

Upon receipt of request for such names from the Appointing Officer or Sheriff the JCDCSC may certify to the Appointing Officer or 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 or Sheriff.

### **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 maintain or 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.

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## Section 4.05 Application for Eligibility Form

- (a) Shall be available from all locations determined by the JCDSCSC 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 JCDSCSC.
- (b) The following information must be submitted by the applicant:
- (i) *Full Legal Name*
  - (ii) *Age*
  - (iii) *Date of Birth*
  - (iv) *Place of Birth*
  - (v) *Social Security Number*
  - (vi) *Physical Address*
  - (vii) *Email Address*
  - (viii) *Telephone Number(s)*
  - (ix) *United States Citizenship*
  - (x) *Military Experience*
  - (xi) *Certified Law Enforcement*
  - (xii) *Waiver of Liability to Perform Agility*
  - (xiii) *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  
[JCDSCSC@jeffersoncountywv.org](mailto:JCDSCSC@jeffersoncountywv.org)

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

- (a) JCDSCSC 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 three (3) years' time from the date the applicant completes the written exam.*

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#### Section 4.07 Refusal of JCDCSC to examine.

- (a) JCDCSC 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 JCDCSC shall send a notice to the applicant at the address listed on his/her application. The applicant will then have a period of ten (10) business days to request a hearing before JCDCSC. 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 JCDCSC.
- (b) Any applicant removed from the list of eligible candidates due to failure to pass any portion of the testing, or disqualified by the JCDCSC for any other reason shall be notified of such removal by the Clerk of the JCDCSC by notice sent to the email address listed by the applicant on his/her application. The notice shall state that the applicant may request a hearing on his/her disqualification or removal provided that such request is made in writing, sent to the Clerk of the JCDCSC and is actually received by the Clerk of the JCDCSC 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/her or her removal.

#### Section 4.08 News Media

Members of the press/news media shall be permitted to attend any examination for the position of deputy sheriff. No member of the press/news media will be permitted to film/photograph or any other form of electronic recording of any portion of the examination or the applicant. Additionally, no member of the press/news media will be permitted to disturb any applicant by asking questions, conducting interviews or broadcasts while the examination is being administered.

#### Section 4.09 Examinations

- (a) JCDCSC 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 JCDCSC or single Commissioner.

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(d) All exams shall be proctored by member(s) of the JCDCSC. The JCDCSC may request the assistance of its Clerk and Deputies.

(e) Written Examination

- (i) *JCDCSC 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 JCDCSC will proctor and monitor each testing.*
- (iii) *Each applicant will be required to appear in person at the time and place specified by the JCDCSC.*
- (iv) *Applicants must provide a government issued photo identification to the test proctors.*
- (v) *The Written examination requires a minimum passing score of 60% in order for an applicant to be given further consideration.*

(f) Retesting

- (i) *All eligible applicants may retest at the next advertised testing date. The most recent test score shall be the score used for the Eligibility List.*
- (ii) *Any applicant that has been previously removed from an eligibility list for cause, shall be permitted to retest at the next advertised testing date providing they meet the minimum requirements.*

(g) Physical Fitness Examination.

All applicants who require basic entry-level law enforcement training must achieve a passing score on all three (3) physical fitness 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.

- (i) *Push Ups*
- (ii) *Sit Ups*
- (iii) *1.5 mile run*

Section 4.10 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 105 points.
  - (i) *Written examination of a possible 100 points.*
  - (ii) *Veteran preference shall receive an additional five (5) points in accordance with West Virginia Code §6-13-1.*
- (b) Examination scores will be posted at the office of the JCDCSC and at such other places designated by the JCDCSC.

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- (c) Any applicant who wishes to challenge the accuracy of the scoring of his/her or her examination shall notify JCDCSC of his/her or her challenge within five (5) business days 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 4.11 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 applicant's 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 4.12 Certification of eligible candidates to Appointing Sheriff.

- (a) When requested by the Appointing Sheriff, JCDCSC will forward the names of at least the top three test scorer(s). In the event there is a tie score within the top three scorer(s), the names of those individuals that are tied will be included.
- (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.

#### Section 4.13 Reinstatement (§7-14-8)

- (a) In the event an applicant formerly served as a deputy sheriff in Jefferson County, the following guidelines must be adhered to:
- (i) *Must have served as a deputy sheriff in Jefferson County for a period of more than six months.*
  - (ii) *Resigned as a deputy sheriff at a time when there were no charges of misconduct or other misfeasance pending against the applicant.*
  - (iii) *Makes application for reinstatement within a period of two years next preceding the date of said application.*
  - (iv) *At the time of said application, the applicant shall resides within Jefferson County, WV.*
  - (v) *Is not sixty-five years of age or older.*
  - (vi) *Shall undergo a medical examination as required in §7-14-9.*
  - (vii) *Shall not be required to complete a written exam.*

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- (b) Upon determination by JCDS CSC that the applicant is eligible for reinstatement, a letter will be sent to the Sheriff.
  - (c) If the applicant shall be appointed by reinstatement, they shall be the lowest in rank in the Sheriff's office next above the probationers of the office.

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## **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 List, the JCDS CSC will forward a copy to the sheriff's office for their use. JCDS CSC shall consider the information presented and may certify or refuse to certify an applicant based upon the information available. In the alternative, JCDS CSC may request additional information or further investigation before determining whether or not to certify any applicant.

