
**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 August 17, 2022

Submitted to the Sheriff of Jefferson County
August 22, 2022

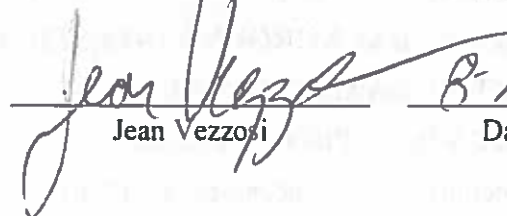
Submitted to the Jefferson County Commission
August 22, 2022

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

Administrative: Jacqueline C. Shadle, County Clerk


Stephen C. Cox, II 8-20-22
Date


Willard Liston 8-20-22
Date


Jean Vezzosi 8-18-22
Date

Section 7.02	Eligibility (§7-14-13)	16
Section 7.03	Competitive Examinations (§7-14-9).....	16
Section 7.04	.Weight Assigned to Each Criteria	17
Section 7.05	Distribution of the Promotional List	18
Section 7.06	Appointment.....	18
Section 7.07	Confirmation of Final Promotional Score	18
PART VIII.	REMOVAL, DISCHARGE, SUSPENSION & REDUCTION.....	19

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.

-
- (l) “The Sheriff’s Office” means the Office of the Sheriff of Jefferson County, West Virginia.
 - (m) “Hearing Board” means the Sheriff’s Conduct Review Board established pursuant to West Virginia Code §7-14C-1(4).
 - (n) “Punitive Action” means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer for purposes of punishment.
 - (o) “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.
 - (p) “Business day” means days when County Offices open for the general transaction of public business.

-
- (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.*

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.

Section 4.07 Refusal of JCDCSC to examine or certify (§7-14-10)

- (a) JCDCSC may refuse to examine an applicant, or after examination to certify as eligible one, 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 business (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 appointments or promotions to all positions 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.
- (d) All exams shall be proctored by member(s) of the JCDCSC. The JCDCSC may request the assistance of its Clerk and Deputies.

Section 4.11 Anti-discrimination provision; prohibited inquiry (§7-14-14)

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 Appointment from eligibility list (§7-14-11)

- (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.
- (d) JCDCSC may remove or withhold from certification the name of an applicant from the list of eligible candidates for any of the following reasons:
 - (i) *Filing of a statement by the candidate eligible that he is not willing to accept appointment.*
 - (ii) *The candidate declines an appointment.*
 - (iii) *Failure to respond within five (5) business days to any written inquire relative to availability for appointment.*
 - (iv) *Any cause specified for disqualifications in these rules.*
 - (v) *Failure to report for duty or any appointment within the times prescribed by the appointing authority of the time give was reasonable.*
 - (vi) *Expiration of the term of eligibility on the eligible list.*
 - (vii) *No candidate shall be permitted to suspend or temporarily delay their eligibility.*

Section 4.13 Noncompetitive examination for filling vacancy; provisional appointment (§7-14-12)

- (a) Whenever there are urgent reasons for filling a vacancy in any position of deputy sheriff and there is no list of persons eligible for appointment after a competitive examination, the appointing sheriff may nominate a person to the civil service commission for noncompetitive examination;

PART V. BACKGROUND INVESTIGATION

The Office of the Sheriff conducts the background investigation on all applicants. Immediately upon receiving an Application for Eligibility List, 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.

PART VII. PROMOTIONS

Section 7.01 Vacancies (§7-14-13)

- (a) The Sheriff shall inform JCDCSCSC of any vacancy announcement in writing to the JCDCSCSC at the time a vacancy is available or his desire to dissolve such position.
- (b) Vacancies in positions of deputy sheriff shall be filled, so far as practicable, by promotion from among persons holding positions in the next lower grade.

Section 7.02 Eligibility (§7-14-13)

- (a) No person shall be eligible for promotion from the lower grade to the next higher grade until such person shall have completed at least two years' service in the next lower grade:
- (b) The determination of eligibility for promotion shall be made as of the date the position is vacated. *Musick v. Loderee (Supreme Court of Appeals of West Virginia 1960)*
- (c) Promotions shall be based upon merit and fitness, to be ascertained by competitive examinations to be provided by the JCDCSCSC, and upon the superior qualifications of the persons promoted, as shown by their previous service and experience.
 - (i) **Fitness:** *Fitness will be determined by a medical examination per §7-14-9.*
 - (ii) **Merit:** *Merit will be determined by a competitive examination provided by JCDCSCSC.*
 - (iii) **Previous Service:** *All annual performance evaluations received in their current rank shall be used in consideration for promotions.*
 - (iv) **Experience:** *Consideration will be given to the time in service as deputy sheriff with the Jefferson County Sheriff's Office to include time of service in present rank if applicable.*

Section 7.03 Competitive Examinations (§7-14-9)

- (a) The written examination is administered and shall be scheduled within 30 days of the vacancy announcement by the Sheriff.
- (b) Public Notice. Adequate public notice of the date, time and place of every competitive examination held, together with information as to the position to be filled by promotion, shall be given at least two weeks prior to such competitive examination. This notice shall be given in the following manner:
 - (i) *Notice of examination will be posted in a public place at the JCDCSCSC office.*
 - (ii) *A copy of notice of examination shall be given to the Sheriff.*
 - (iii) *A copy of notice of examination shall be given to the President of the Jefferson County Deputy Sheriffs Association.*

1) Calculations for Deputy XX

10 years x 12 months = 120 (1 point for each month of service)

10 months = 10

10 additional days divided into the number of days of the month that the test is administered. For this calculation assume it is a month with 30 days

.10 divided into 30 = .333

Years of Service 120.000

Months of Service 10.000

Days of Service .333

2) Promotional Score for Deputy XX

Time in Service score: 130.333

Written Promotional test score: 75

Average of 10 performance appraisals: 75

Final promotional score for Deputy XX 280.333

Section 7.05 Distribution of the Promotional List

- (a) The list containing the final score for each candidate will be posted at the office of the JCDS CSC, listed in ranking order. The list will contain only the total score value and not each individual category.
- (b) The final scores will be sent the JCSO, the President of the JCDA and to each participating candidate.

Section 7.06 Appointment

- (a) The Sheriff shall make an appointment from the eligibility listing based on the ranking order.
- (b) In the event that the final promotional score results in a tie of two or more candidates, the Sheriff shall have sole discretion to select an appointment from said candidates.
- (c) The Sheriff will notify JCDS CSC, in writing, of his selection(s).
- (d) Final scores will be sent the JCSO, the President of the JCDA and to each participating candidate.

Section 7.07 Confirmation of Final Promotional Score

A deputy who wishes to confirm how their final promotional score was calculated mathematically may request an appointment with JCDS CSC by submitting their request in writing via email to jcdscsc@jeffersoncountywv.org.