

**RULES AND REGULATIONS
FOR THE
BERKELEY COUNTY DEPUTY SHERIFF'S
CIVIL SERVICE**

**ARTICLE I
INTRODUCTION**

SECTION I – PURPOSE (§7-14-6)

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 Berkeley 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. These rules and regulations so prescribed may, from time to time, be added to, amended or rescinded

SECTION II – DEFINITIONS (§7-14-2)

In addition to those definitions established in §7-14-2, the following are for the purpose of this rules and regulations:

A. Berkeley County Deputy Sheriff's Civil Service Commission, also referred to as BCDCSC, shall be the civil service commission within Berkeley County as required by §7-14-3.

SECTION III – RESPONSIBILITIES

A. The Berkeley County Deputy Sheriff's Civil Service Commission (herein after referred to as BCDCSC) is required under West Virginia Code to prescribe and enforce rules and regulations for carrying into effect the provisions of the law. A copy of all rules and regulations and of any modifications thereof shall be given, by mail, to the Sheriff; and said rules and regulations and any modifications thereof shall also be printed for public distribution. (§7-14-7)

1. These Rules and Regulations will specifically cover the following areas:

- a) Procedures for hiring new Deputy Sheriffs
- b) Procedures for promoting Deputy Sheriffs
- c) Training and Retraining of Deputy Sheriffs
- d) Hearings and Appeals
- e) Position Classification Plan

B. Further, a copy of all rules and regulations and of any modifications thereof shall be given to the President of the Berkeley County Deputy Sheriff's Association.

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C. The BCDCSC will make an annual report based on the calendar year. This report will be completed and submitted to the Clerk of the County Court and the Sheriff of Berkeley County within the first quarter of the new calendar year. (§7-14-6)

D. The BCDCSC will hold meetings as necessary throughout the year as needed. The Commission will hold a meeting of its members each January to prepare the annual report from the previous year. Additionally, at the January meeting the election of the President will be conducted.

E. Forms. Employment Applications, Medical Examination Forms, Physical Fitness Scoring and any other form necessary for enforcement of West Virginia Code Chapter 7 Article 14 will be prescribed by the BCDCSC.

**ARTICLE II
EMPLOYMENT AS A DEPUTY SHERIFF**

SECTION I - AUTHORITY

To be employed as a new Berkeley County deputy sheriff, a candidate must first be certified as eligible by the BCDCSC. The BCDCSC possesses sole authority to certify an applicant as having completed all requirements of these regulations, prior to the Sheriff making an offer of employment to a deputy sheriff applicant. A candidate is not eligible for employment until and unless certified as eligible by the BCDCSC.

SECTION II - Notice of Vacancy (§7-14-11)

The Sheriff shall notify the BCDCSC of any vacancy for the position of deputy sheriff that he desires to fill, and shall request the certification of eligible individuals from the BCDCSC.

SECTION III - Eligibility Requirements

An applicant for deputy sheriff shall satisfy all elements of this section prior to certification:

- a. An applicant for deputy sheriff shall satisfy all requirements of the Application and Competitive Examination (more specifically described in Sections 5 and 6 of this Article, respectively, herein), prior to being considered eligible for employment, including but not limited to the following:
 - i. Application Packet (Article II Section 5)
 - ii. Written Examination (Article II Section 6.b)
 - iii. Fitness Exam (Article II Section 6.c)
 - iv. Medical Examination (Article II Section 6.e)
 - v. Background Examination (Article II Section 6.f)
- b. Further, to be considered eligible for the position of deputy sheriff, an applicant shall not violate any Preliminary Requirement under Section 4 herein, as determined by the BCDCSC.

SECTION IV - Preliminary Requirements – Refusal to Examine or Certify (§7-14-10)

At any time during the application process, the BCDCSC may refuse to examine or refuse to certify a candidate as eligible for any of the following reasons:

- c. Found to lack any of the established preliminary requirements for the examination or position of deputy sheriff for which he applies, including the submission of any requested documents by the established deadline.
- d. Physically so disabled as to be rendered unfit for the performance of the duties of the position of deputy sheriff.
- e. Addicted to the habitual use of intoxicating liquors or drugs, more specifically:
 - i. For a period of at least thirty-six (36) months prior to application, an applicant for the position of deputy sheriff must be clean and sober from alcohol, drugs and any and all illegal substances, including but not limited to inhalants and hashish.

- ii. For a period of at least three (3) years prior to application, an applicant for the position of deputy sheriff cannot have more than **Limited Use** of any of the following:
 - 1. Marijuana (synthetic or natural)
 - 2. Cocaine
 - 3. Meth-Amphetamine/amphetamine
 - 4. Ecstasy

Limited Use is defined as an applicant's use of such substances no more than three (3) times in the last three (3) years.
- iii. No applicant for the position of deputy sheriff shall be considered by this commission if they have used any of the following substances:
 - 1. LSD
 - 2. PCP
 - 3. Methadone
 - 4. Heroin
 - 5. Misuse of any Prescription Medications
- f. Convicted of a felony, or guilty of infamous or notoriously disgraceful conduct, including but not limited to the following:
 - i. No applicant for the position of deputy sheriff shall be considered by the BCDCSC if they have sold any drugs for profit or taken part in an illegal enterprise, such as carrying drugs for sale by a friend, family member or providing transportation for a friend or family member for the purpose of acquiring or distributing drugs or any illegal substances for sale.
 - ii. Associations with convicted felons or with those individuals that are under criminal investigation or indictment may be grounds for not being permitted to be tested or certified.
- g. Dismissed from public service for delinquency or misconduct;
- h. Made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in any such examination, or in securing his eligibility. The BCDCSC will not examine or certify any applicant for the position of deputy sheriff that fails to disclose negative information or falsely provide information to either the BCDCSC or Sheriff's department background investigators. Examples include, but are not limited, to the following:
 - i. Providing incorrect information on the application regarding drug use and the number of times an illegal substance was used by the applicant and then giving the polygraph investigator a different number during that interview.
 - ii. Falsely providing information regarding employment history to the BCDCSC or background investigators
- i. Refuses to comply with the rules and regulations of the BCDCSC.
- j. The BCDCSC will not examine or certify any applicant that has a history of bad debt, unaddressed debt, or bankruptcy for a period of the last 5 years.
- k. The BCDCSC will not examine or certify an applicant that fails to provide child support payments or court ordered obligations.
- l. The BCDCSC will not examine or certify any applicant that has been convicted of three (3) or more moving violations of the law during the past twenty-four (24) months.

SECTION V – APPLICATION (§7-14-8)

A. Persons applying for admission to any competitive examination to become a Berkeley County Deputy Sheriff shall submit a formal application to the BCDCSC. The application form can be obtained from the BCDCSC office. The application must be completed within the time prescribed by the BCDCSC and turned in to the BCDCSC office prior to the closing date

and time listed in the vacancy announcement. A completed application must contain all documents that were with the application package when it was picked up. Each document must be filled out in its entirety and contain all required signatures. All documents must be turned in by the application deadline. Failure to turn in all documents by the deadline will result in the application not being considered and the individual not afforded the opportunity to test.

B. Residency Requirement. There is no residency requirement by West Virginia law other than the individual must be a United States citizen.

SECTION VI – COMPETITIVE EXAMINATIONS (§7-14-9)

A. 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, shall be given at least two weeks prior to such competitive examinations. This notice shall be given in the following manner:

1. Notice of application and examination will be posted in the local newspaper servicing the county.
2. Notice of application and examination will be posted in a public place at the BCDCSCSC office.
3. A copy of notice of application and examination shall be given to the Sheriff.
4. A copy of notice of application and examination shall be given to the President of the Berkeley County Deputy Sheriff's Association.
5. A copy of notice of application and examination shall be given to the Berkeley County Council.

B. Written Examinations. After the application process has closed, the BCDCSCSC will determine the number of tests needed and notify the West Virginia Division of Personnel to request the tests. Test date will generally be set for 14 days after the close of the application process. The written examination requires a minimum passing score of 70% in order for an applicant to be given further consideration.ⁱ

C. Fitness Exam. A physical fitness exam will be administered to all applicants for the position of Deputy Sheriff.ⁱⁱ The standards for this examination will be derived from the Physical Ability Standards as set forth by §149CSR2 (Title 149; Legislative Rule, Governor's Committee on Crime, Delinquency and Correction, Series 2, Law Enforcement Training and Certification Standards) (Attachment 1).

1. The Fitness Test is not given an overall score. The Fitness Test is a Pass/Fail competitive Examination. Failure to successfully complete the Fitness Test will result in the individual not being placed on the eligibility list.
2. Each part of the exam is graded as PASS/FAIL. Failure to complete any portion of the exam will result in the individual not being permitted to move to the next test and not being placed on the eligibility listing.
3. There are no retests.

D. The BCDSCSC shall post the name and corresponding grades of each applicant that (i) scored 70% or greater on the written examination and (ii) passed the fitness examination. This notice shall be given in the following manner:

1. A copy of the list shall be Posted in a public place at the BCDSCSC office.
2. A copy of the-list shall be given to the Sheriff.
3. A copy of the-list shall be given to the President of the Berkeley County Deputy Sheriff's Association.

E. Medical Examination. All applicants for appointment to any position as a deputy sheriff in Berkeley County, who have passed the written examination and fitness examination specified above shall, before being appointed, undergo a medical examination which shall be conducted under the supervision of a board composed of two doctors of medicine appointed for such purpose by the sheriff of the county. Such board must certify that an applicant is free from any bodily or mental defects, deformity or diseases which might incapacitate him/her from the performance of the duties of the position of Deputy Sheriff and is physically fit to perform such duties before said applicant shall be appointed to that position. The medical form utilized will be the form prescribed by the West Virginia State Police Academy. A medical examination will not be conducted until the Sheriff is ready to appoint an individual from the eligibility listing.

F. Background Investigation. All applicants for appointment to any position as a deputy sheriff in Berkeley County, who have passed the written examination and fitness examination specified above shall, before being appointed, undergo a background investigation coordinated by the Sheriff to verify that the results of such investigation do not violate any provision of this Article.

1. On the day of the written examination, a member of the Berkeley County Sheriff's Office will provide each applicant a background questionnaire. This questionnaire is only one part of the background investigation that will be conducted. Once an applicant has completed the written exam they will take the background questionnaire with them and are to begin completing the questionnaire. When requested, each applicant must turn in a completed questionnaire to the Sheriff's Office. Failure to turn in the questionnaire by the required date will result in the individual being removed from further consideration for employment as a Berkeley County Deputy Sheriff. The questionnaire must be filled out in its entirety and detailed. Any area that does not apply is to be marked N/A or Not Applicable. No areas/questions are to be left blank. All credit reports must be current within 30 days.
2. The Sheriff shall conduct such further background investigations in such manner that ensures the delivery of such results in an efficient, effective manner, so that the Sheriff may promptly deliver to the BCDSCSC the Sheriff's Confirmation Form below.

SECTION VII - News Media.

Members of the press/news media will be permitted to attend any examination for the position of Deputy Sheriff. Prior to the examination, coordination by the press/news media must be accomplished with the BCDSCSC. However, no member of the press/news media will be permitted to film/photograph any portion of the examination. Additionally, no member of the press/news media will be permitted to ask any questions, conduct any interviews or broadcasts while the test is being administered.

§. SECTION VIII - Veteran Preference.

WV Code Chapter 6, Article 13, Section 1 provides that qualified veterans who are disabled or served on active duty during specified time periods and who make a minimum passing grade on written examinations for hire may claim preference in state, county and local competitive hiring. Any applicant wishing to claim veteran preference IAW §6-13-1 must provide to the commission a certified copy of the individual's DD Form 214. Additionally, if claiming an injury or hardship, copies of any documentation, medical or otherwise, showing they were discharged due to injury or hardship must be provided. This documentation will need to be provided to the commission no later than the day of the written examination. If the individual meets the requirements to receive the additional points, the points will be added to the written examination score.

SECTION IX – WRITTEN TEST RESULTS

1. The BCDSCSC shall forthwith provide the Sheriff the names of the three persons who received the highest averages at the Written Examination (“Written Examination List”). In the event there is a tie score for the third position on the eligibility listing, the names of those individuals that are tied in the third position will all be included on the Written Examination List that will be sent to the Sheriff. ⁱⁱⁱ
2. The Sheriff shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names upon the Written Examination List: *Provided*, That should the Sheriff make objection to the BCDSCSC to one or more of these persons for any of the reasons stated in West Virginia Code Chapter 7 Article 14, the Sheriff will notify the BCDSCSC of this objection, in writing, detailing the reasons for the objection.
 - a. If the Sheriff makes a request to remove an individual from the ~~eligibility listing~~ Written Examination List, the BCDSCSC will immediately notify the applicant of the Sheriff's objection and ascertain if the applicant wants a public hearing on the matter. Further, should such objection be sustained by the BCDSCSC after a public hearing along the lines of the hearing provided for in West Virginia Code Chapter 7 Article 14, if any such hearing is requested, the BCDSCSC shall thereupon strike the name of that person from the Written Examination List, and update the Written Examination List to include the next highest name for each person so stricken. As each subsequent vacancy occurs, in the same or another position, precisely the same procedure shall be followed.
 - b. Once the Sheriff has made a selection from the Written Examination List, the Sheriff will prepare the Completion List below.

SECTION X – SHERIFF TO PROVIDE COMPLETION LIST AND FORM

- a. From the Written Examination List candidates, the Sheriff shall provide to the BCDSCSC one candidate selected for each vacancy for the job of deputy sheriff (“Completion List”). The quantity of Completion List candidates shall be equal to the number of then-present vacancies.
- b. Together with the Completion List, the Sheriff shall execute a form designated by the BCDSCSC confirming that each candidate on the Completion List satisfies all requirements of these regulations (“Sheriff’s Confirmation Form”).
- c. To avoid doubt, a candidate may not be listed on the Completion List unless and until all requirements of these regulations are satisfied in advance. The BCDSCSC has the final determination as to whether each requirement is satisfied.

SECTION XI—Certify as Eligible. (§7-14-11)

After the BCDSCSC receives the Completion List and accompanying Sheriff’s Confirmation Form(s) from the Sheriff, the BCDSCSC may certify, from such Completion List, one candidate for each vacancy for the job of deputy sheriff (“Eligibility List”).

SECTION XII. Appointment by Reinstatement. (§7-14-8)

In the event any applicant formerly served as a deputy sheriff in Berkeley County, the following guidelines must be adhered to:

1. Must have served as a Deputy Sheriff in Berkeley County for a period of more than six months.
2. Resigned as a deputy sheriff at a time when there were no charges of misconduct or other misfeasance pending against them.
3. Makes application for reinstatement within a period of two years next preceding the date of his application.
4. At the time of their application resides within Berkeley County.
 - a). The applicant will be required to provide proof of residency. This can be accomplished by submitting a document that contains a physical address (no Post Office Boxes). Examples of this document are, but not limited to, a utility bill, cell phone bill, mortgage bill, insurance bill, voters registration card, etc. The document submitted for consideration should not be more than 30 days old.
5. Is not sixty-five years of age or older.
6. Shall undergo a medical examination.
 - a) This will be as required in §7-14-9.
 - b) Upon the determination by the BCDSCSC that the individual is eligible for reinstatement, a letter will be sent to the Sheriff informing the Sheriff that the individual is to be reinstated. The letter will advise the Sheriff that the Sheriff has 5 business days to schedule a medical examination appointment as required in §7-14-9 and will immediately notify the BCDSCSC of the date and time of the examination.
 - c) The results of the completed medical examination will be submitted to the Commission. This will serve as verification the medical examination was

completed and the individual meets the requirements of law. The examination will be placed in the file with the individual's application and maintained in a secure location.

7. If such applicant shall be so appointed by reinstatement as aforesaid, they shall be the lowest in rank in the sheriff's office next above the probationers of the office, and not be entitled to seniority considerations.^{iv}
8. Shall be eligible for appointment by reinstatement in the discretion of the civil service commission without a competitive examination.
9. The civil service commission for deputy sheriffs has exclusive discretionary authority to reinstate an applicant for deputy sheriff, who formerly served as a deputy sheriff, without either a competitive examination or the concurrence of the sheriff or county commission.^v

SECTION XIII. Retesting.

Any applicant for the position of Deputy Sheriff, that has been previously removed from an eligibility listing for cause, shall not be permitted to retest for the position of Deputy Sheriff until 36 months from the date of the letter of removal has passed.

ARTICLE III PROMOTIONS

SECTION I – VACANCIES (§7-14-13)

A. 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.

B. The Sheriff shall immediately notify the BCDCSCSC of any vacancy to be filled, and shall request the certification of eligible individuals. Completing competitive examinations in a timely manner is necessary.^{vi}

1. If the Sheriff decides not to fill a vacancy, the Sheriff will submit immediately, in writing, the reason for not filling the vacancy to the BCDCSCSC.

SECTION II – 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. The date for eligibility in regard to the two years' service in the next lower grade must be set at the date of vacancy of the position for which the person is being promoted. Further, this two years in the next lower grade requirement must be continuous and immediately preceding the vacancy.^{vii}

B. Promotions shall be based upon merit and fitness, to be ascertained by competitive examinations to be provided by the civil service commission, and upon the superior qualifications of the persons promoted, as shown by their previous service and experience.^{viii} These categories of criteria which are to be used in deputy sheriff promotions are further defined as follows:

1. Qualification as shown by previous service and experience. Previous service means performance appraisals; experience means seniority.
2. Merit as ascertained by competitive examinations to be provided by the civil service commission. Merit will be determined by written examination.
3. Fitness will be determined by a medical examination.

SECTION III – COMPETITIVE EXAMINATIONS (§7-14-9)

A. 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:

1. Notice of examination will be posted in a public place at the BCDCSCSC office.
2. A copy of notice of examination shall be given to the Sheriff.
3. A copy of notice of examination shall be given to the President of the Berkeley County Deputy Sheriff's Association.
4. A copy of notice of examination shall be given to the Berkeley County Council.

5. Notice of examination will be posted in the local newspaper servicing the county.
6. Notice will be placed in the Deputy Sheriffs departmental mail/distribution boxes. Deputy Sheriffs will be responsible for frequently checking the mail/distribution box for any such notices.

B. Written Examinations. The BCDSCSC will determine the number of tests needed and notify the West Virginia Division of Personnel to request the tests. A written examination will be given each time a new vacancy exists. Notice from the Sheriff that a vacancy exists may indicate that there are more than one vacancy in the same rank that is vacant at the same time. An example could be that the Sheriff's notice may state that he presently has 3 vacancies for the position of Corporal and is requesting an eligibility listing. In such a case the promotions can be made from one promotional exam and new eligibility listing so long as all of the vacancies existed at the same time of the Sheriff's request.

C. News Media. Members of the press/news media will be permitted to attend any examination for the promotion of a Deputy Sheriff. Prior to the examination, coordination by the press/news media must be accomplished with the BCDSCSC. However, no member of the press/news media will be permitted to film/photograph any portion of the examination. Additionally, no member of the press/news media will be permitted to ask any questions, conduct any interviews or broadcasts while the test is being administered.

D. Eligibility List. The BCDSCSC shall post the eligible list, containing the names and grades of those who have passed such competitive examinations for promotions of deputy sheriffs. This notice shall be given in the following manner:

1. Notice of the eligible list will be posted in a public place at the BCDSCSC office.
2. A copy of the eligible list shall be given to the Sheriff.
3. A copy of the eligible list shall be given to the President of the Berkeley County Deputy Sheriff's Association.

The eligibility list will be established utilizing the following criteria:

- | | | |
|---------------------------|--------------------|--------------------|
| 1. Written Examination | | 55% of total score |
| 2. Seniority | (experience) | 25% of total score |
| 3. Performance Appraisals | (previous service) | 20% of total score |

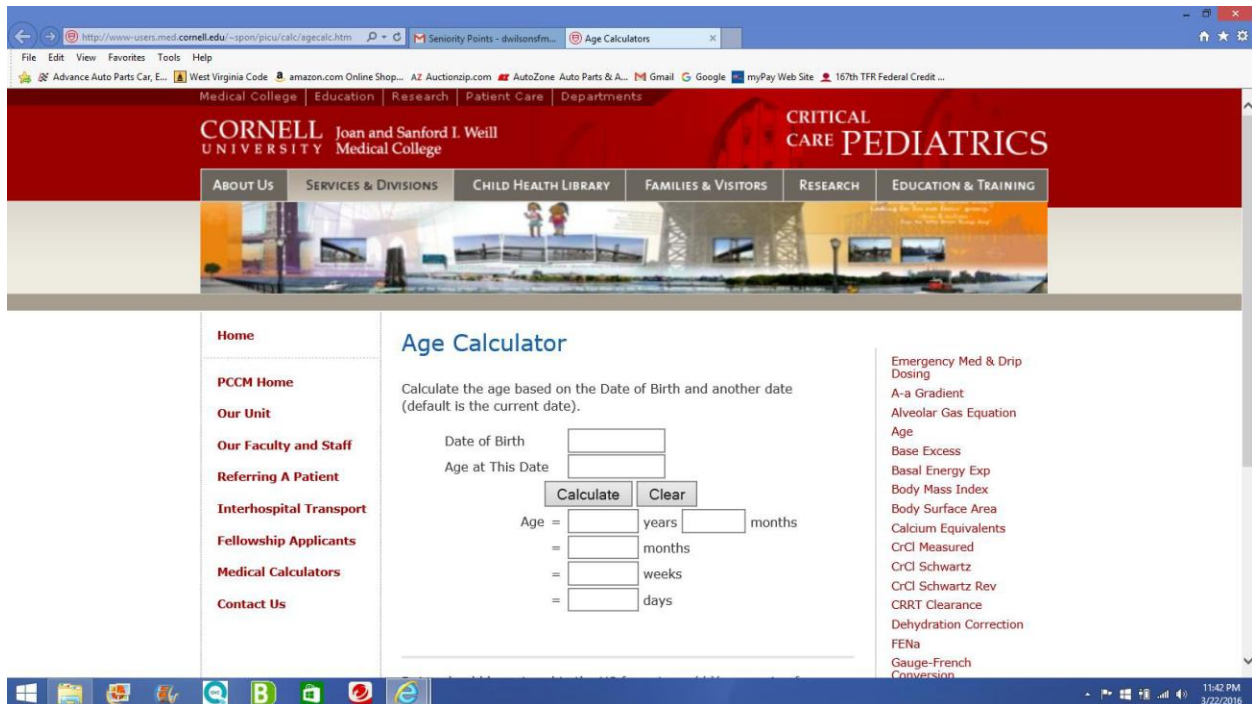
An eligibility listing will expire immediately after the vacancy(s) is/are filled that required a new eligibility listing.

E. Scoring for Seniority will be based upon the criteria of 1 point per year of completed service with the Berkeley County Sheriff's Office and will be calculated to the day of completed service. Only that service that has been continuous and immediately preceding the vacancy will be considered. Further, only that service with the Berkeley County Sheriff's Office as a law enforcement deputy sheriff will be considered.

1. Calculating the completed service is accomplished by using the Cornell University Age Calculator at the web address of

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<http://www-sers.med.cornell.edu/~spon/picu/calc/agecalc.htm>. In the block titled DATE OF BIRTH is placed the individual's hire date. In the block titled AGE AT THIS DATE is placed the date of the vacancy. The total months displayed is then multiplied at .084. 2. Point calculation was revised during the 12 February 2015 revision of the rules. This was necessary because the 0.08 calculation would not equal a full 1 point when multiplied by 12. To provide the consideration to the deputy the calculation was changed to 0.084 (1.008 total).



F. Scoring for Performance Appraisals will be based on the score that is provided to the BCDCSC by the Sheriff. When the Sheriff requests the certification of eligible individuals, the Sheriff will be notified of the names of those individuals who are eligible. The Sheriff will in turn provide the BCDCSC the overall evaluation scores, for each eligible individual's performance evaluations, for the 2 evaluations prior to the eligibility date. If the Sheriff does not provide 2 evaluations, a letter will be sent to the Sheriff immediately requesting the 2 evaluations as required by rule. The two evaluation scores will be added together. The combined score will be used in calculating the 20% of the overall score.^{ix}

G. Total Score is determined by the combination of the percentage scores of the Written Examination, Seniority and Performance Appraisals.

Civil Service Scoring System <i>EXAMPLE</i>				
Test Taker	Test Score x 55%	Evaluation x 20%	Years of Service x 25% 1/12 = 0.084 Point per Month	Total
1	88 x .55 = <u>48.40</u>	2 x .20 = <u>.40</u>	6 x 12 = 72 72 x .084 = 6.048 6.048 x .25 = <u>1.512</u>	48.40 + .40 + 1.512 = <u>50.312</u>
2	75 x .55 = <u>41.25</u>	2 x .20 = <u>.40</u>	10 x 12 = 120 120 x .08 = 10.08 10.08 x .25 = <u>2.52</u>	41.25 + .40 + 2.52 = <u>44.17</u>

H. Tie Scores.^x In the event of a tie score between individuals, the individual with the earliest hire date will be placed as the higher scoring individual on the eligibility listing. If still tied, then the individual with the highest written test score will be placed as the higher scoring individual on the eligibility listing. If still tied, then the individual with the highest Evaluation Percentage Score will be placed as the higher scoring individual on the eligibility listing.

I. Medical Examination. All applicants for promotion of a deputy sheriff in Berkeley County, who have passed the competitive examination specified above, shall, before being promoted, undergo a medical examination which shall be conducted under the supervision of a board composed of two doctors of medicine appointed for such purpose by the sheriff of the county. Such board must certify that deputy sheriff is free from any bodily or mental defects, deformity or diseases which might incapacitate him/her from the performance of the duties of their promotion and is physically fit to perform such duties before said deputy sheriff shall be appointed to that position. The medical form utilized will be the form prescribed by the West Virginia State Police Academy which I utilized for new applicants. A copy of the completed medical examination will be submitted to the Commission. This will serve as verification the medical examination was completed and the individual meets the requirements of law. The examination will be placed in the file with the individual's application and maintained in a secure location.

J. Written and Medical Examination Exemptions. All personnel are required to complete a written examination and a medical examination for promotion. Eligible personnel will be required to take the written examination on the date set by the BCDCSC. The following are exceptions that will be considered by the BCDCSC.

- 1, Mandatory Military Service. Deputy Sheriff's that are required to perform military service and who are on official military orders, AND who are not in the area that the written examination is being administered, may at the discretion of the BCDCSC, have a different date set for examination. A copy of the military orders must be submitted to the BCDCSC for verification. Every effort will be made to work with the military unit's training division to proctor a written examination for the deputy sheriff.
2. Mandatory Duty as a Deputy Sheriff. If a Deputy Sheriff is not in the area that the written examination is being administered due to mandatory duty (i.e. previously scheduled training, prisoner transport or investigation that is court ordered or cannot be conducted by another deputy sheriff) may at the discretion of the BCDCSC, have a

different date set for examination. A letter from the Sheriff explaining fully the circumstances will be submitted to the BCDCSC for consideration.

SECTION IV – APPOINTMENT

A. Certification of Eligible Individuals. The BCDCSC shall forthwith certify the list of names of those individuals who have successfully completed the competitive examinations on merit and fitness. The names will be listed in ranking order beginning with the highest score to the lowest score. The list will contain only the total score value and not each individual category.

B. Appointment from Eligibility List. The Sheriff shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the eligibility listing based on the ranking order.^{xi} The Sheriff will notify the BCDCSC, in writing, of his selection(s).

**ARTICLE IV
TRAINING
(\$7-14-16)**

SECTION I – INITIAL TRAINING REQUIREMENT

Every deputy first appointed a deputy of Berkeley County must satisfactorily complete a training program so as to meet the minimum standards prescribed by the governor's committee on crime, delinquency and correction established by Executive Order 7-A66, dated September one, one thousand nine hundred sixty-six and §149CSR2 (Title 149; Legislative Rule, Governor's Committee on Crime, Delinquency and Correction, Series 2, Law Enforcement Training and Certification Standards).

SECTION II – RETRAINING REQUIREMENT

Every deputy sheriff of Berkeley County must satisfactorily complete a prescribe retraining program from time to time in order to continue as a deputy sheriff of Berkeley County or to be eligible for promotion. This retraining program shall meet the minimum standards prescribed by the governor's committee on crime, delinquency and correction established by Executive Order 7-A66, dated September one, one thousand nine hundred sixty-six and §149CSR2 (Title 149; Legislative Rule, Governor's Committee on Crime, Delinquency and Correction, Series 2, Law Enforcement Training and Certification Standards).

ARTICLE V
HEARINGS and APPEALS
(§7-14-17)

SECTION I – REMOVAL, DISCHARGE, SUSPENSION, REDUCTION

- A. No deputy sheriff of Berkeley County subject to the provisions of this article may be removed, discharged, suspended or reduced in rank or pay except for just cause.
- B. Each Order by the BCDCSCSC must set forth, in detail, the finding of facts upon which its Order will be based and the conclusions of law and legal reasoning used to support its Order.
- C. No such deputy may be removed, discharged, suspended or reduced in rank or pay except as provided in this article and in no event until the deputy has been furnished with a written statement of the reasons for the action. This statement of reasons shall include, as a minimum, the violation committed, the act that led to the violation and the punishment intended.
- D. All hearings will be recorded. A written record of all testimony taken at the hearing shall be kept and preserved by the BCDCSCSC, which record shall be sealed and not be open to public inspection unless an appeal is taken from the action of the BCDCSCSC. The record will be properly filed with the Clerk of the County Court.
- E. If either side desires, they may make a short opening statement. The burden shall be upon the sheriff to justify his or her action. As such, the Sheriff will address the BCDCSCSC first and make its case.
- F. Witnesses may be called by either side. A list of witnesses will be provided to the BCDCSCSC prior to the hearing date. If either side so desires for witnesses to be subpoenaed, the witness names must be submitted to the BCDCSCSC in a timely manner but no later than 48 hours prior to the hearing. The BCDCSCSC has the power to subpoena witnesses (§7-14-6).
- G. A request for a subpoena will be submitted to the Clerk of the County Court by the BCDCSCSC.
- H. The Sheriff will provide a copy of the statement of reasons against any Deputy Sheriff, for which the Sheriff seeks the Removal, Discharge, Suspension or Reduction in Rank or Pay of the Deputy Sheriff, to the BCDCSCSC. This statement of reason will be provided to the BCDCSCSC immediately after the statement of reasons have been provided to the Deputy Sheriff in question.

SECTION II – APPEAL

- A. Appeal of a BCDCSCSC Decision.
1. In the event the BCDCSCSC sustains the action of the sheriff, the deputy has an immediate right of appeal to the circuit court of the county. In the event that the BCDCSCSC reinstates the deputy, the sheriff has an immediate right of appeal to the circuit court.

2. Any appeal must be taken within ninety days from the date of entry by the BCDCSCSC of its final order. A BCDCSCSC Order is considered final once it has been filed in the Order Book that must be kept with the Office of the County Clerk and such order must reflect the date of entry into the Order Book.

B. Appeal of a Hearing Board Decision.

1. The petition for appeal and supporting memoranda must be submitted to the BCDCSCSC within thirty (30) days of the date in which the Hearing Board rendered its decision.
2. The prevailing party will be notified by the BCDCSCSC that an appeal has been made. The prevailing party will have thirty (30) days upon which to make reply to the BCDCSCSC.
3. If the BCDCSCSC grants an appeal, the appeal will be conducted within ten (10) days after the reply of the prevailing party was due.
4. Standard of Review by the BCDCSCSC. The BCDCSCSC will not overturn a decision by a Hearing Board unless the decision by the board is clearly erroneous, not based on facts and evidence, or decided by virtue of a clear mistake of law.
5. The BCDCSCSC will make its decision based on the following:
 - a) Testimony and exhibits
 - b) Written memoranda of law submitted for review
6. The BCDCSCSC will render its opinion within thirty (30) days of the date in which the appeal was conducted.

ARTICLE VI
POSITION CLASSIFICATION PLAN
(§7-14-6)

SECTION I - The BCDCSC will prepare a Position Classification Plan that will include position descriptions for the Berkeley County Sheriff's Office. The plan will be developed as a separate attachment from these rules and regulations.

SECTION II - The plan will be updated as need requires. Further, it will be reviewed, not to exceed every three years.

SECTION III - Once the plan is complete and approved, a copy of the plan will be distributed as follows:

- A. A copy of the approved plan shall be given to the Sheriff.
- B. A copy of the approved plan shall be given to the President of the Berkeley County Deputy Sheriff's Association.
- C. A copy of the approved plan shall be given to the Berkeley County Council.

SECTION IV - The following are the position classifications for the Berkeley County Sheriff's Office.

- A. Chief Deputy
- B. Captain/Lieutenant
- C. Sergeant/Corporal
- D. Deputy
- E. Investigator
- F. K-9 Handler
- G. Court Security Officer
- H. School Resource Officer

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These rules and Regulations of the Berkeley County Deputy Sheriffs Civil Service

Commission were approved and adopted this _____ day of _____, _____.

DAVID SCOTT WILSON

President, Berkeley County Deputy Sheriffs Civil Service Commission

BARRY SUBELSKY

Commissioner, Berkeley County Deputy Sheriffs Civil Service Commission

PETE HOFFMAN

Commissioner, Berkeley County Deputy Sheriffs Civil Service Commission

ATTACHMENT 1
PHYSICAL FITNESS STANDARDS
(149CSR2)

I. Physical Fitness standards for all applicants are the same for both male and female. A physical fitness exam will be administered to all applicants for the position of Deputy Sheriff. Each part of the exam is graded as PASS/FAIL. Failure to complete any portion of the exam will result in the individual not being placed on the eligibility listing. If an applicant fails one of the areas being tested, they will not be permitted to continue to the next test.

II. The Physical Fitness exam for applicants will consist of 3 tests. They are push-ups, sit-ups and a 1 ½ mile run.

A. Sit-ups (Muscular Endurance) - The applicant must successfully complete 28 bent-leg sit-ups in one (1) minute.

B. Push-ups (Absolute Strength) - The applicant must successfully complete 18 conventional push-ups in one (1) minute.

C. One and one-half mile run (Cardiovascular Capacity) - The score is the elapsed time in minutes and seconds required by the applicant to complete the run. The applicant must successfully complete the run in 14 minutes 36 seconds or less.

III. The Physical Fitness Exam Briefing.

All applicants for basic entry-level training are required to perform Physical Ability Standards as set forth in WV Code Chapter 7 Article 14 and established under TITLE 149 LEGISLATIVE RULE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION SERIES.

This is a pass or fail screening. Each test element shall be passed before proceeding to the next test element.

An applicant must pass all elements of the physical fitness test before they are permitted to take the written exam. There are NO retests of any failed portion for this testing cycle.

The Physical Ability Tests shall consist of:

Sit-ups (Muscular Endurance) - The score is the number of bent-leg sit-ups completed in one (1) minute. The minimum number required for this test is 28.

Push-ups (Absolute Strength) – The score is the number of conventional push-ups performed in one (1) minute. A conventional sit-up is defined as an exercise performed in the prone position by raising and lowering the body with the straightening and bending of the arms, while keeping the back straight and supporting the body on the hands and toes. The minimum number required for this test is 18.

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One and one-half mile run (Cardiovascular Capacity) - The score is the elapsed time in minutes and seconds required by the applicant to complete the run. The applicant must successfully complete the run in 14 minutes 36 seconds or less.

Are there any questions?

**ATTACHMENT 2
CLASSIFICATION PLAN
(§7-14-6)**

I. CHIEF DEPUTY

**DEPUTY SHERIFF
Chief Deputy
Classification: DSCD**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. This is an executive classification within the Sheriff's Office. Employees may be appointed to and removed from this classification at the discretion of the Sheriff to meet the operational needs of the Sheriff's Office. After removal from service as a Chief Deputy, the employee will be returned to the highest level classification in the classified service in which he/she has attained regular, non-probationary status. This does not apply if the employee was terminated under circumstances that would have constituted cause for termination in the classified service.

To be responsible for the overall management of the law enforcement division within the Sheriff's Office including offices and staff positions; to develop and manage division budget; to establish goals and objectives; to supervise and direct staff activities; to evaluate and assess daily operations and programs; to respond to emergencies and major incidents; to act as liaison with other divisions, the community and local and state agencies; and to handle special assignments as assigned.

Provide leadership, management, and guidance in organizing, equipping and training of Deputy Sheriffs to meet mission requirements. Works closely with the Sheriff to best execute mission requirements. Direct resource activities as well as interpret and enforce policies and applicable directives. Resolves issues between subordinates and supervisors.

Works under limited direction with extensive latitude for the use of initiative and independent judgment. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

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Employees in this position are the management within the department. Serves as chief of staff to the Sheriff assisting in the formulation of the Sheriff's objectives and coordination of operations. Assumes higher command when so directed by the Sheriff.

Employees are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Employees work various shift hours and days off, and are expected to be able to perform the functions and duties of all shifts in all required areas of law enforcement, with back-up only to the extent available. Employees are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Performs operational command and assigns and reviews work of the three shifts of patrol operations and criminal investigation personnel.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills thru performance evaluations are required for continued employment.

Special assignment positions which are a part of this classification include all other duties assigned to by the Sheriff of Berkeley County.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work. In addition to the essential elements listed in §149-2-8.3, the following tasks are required:

A. When performing law enforcement duties:

- May assist with patrols to enforce laws, investigate crimes and arrest violators;
- May drive patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;

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- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.

B. Management. Plan, manage and administer all services provided by the division; implement division goals and objectives; monitor and evaluate daily operations, projects and programs; ensure methods and procedures are in compliance within all applicable rules and regulations;

- Prepare and administer division budget; manage expenditures to stay within budgetary constraints;
- Provide full supervision to division management staff; provide work direction; conduct performance evaluation; handle disciplinary actions; and make decisions regarding hiring, termination, pay changes or job changes;
- Coordinate division operations with other divisions, departments and state/local government agencies; represent the Sheriff on various committees and multi-agency meetings.
- Conduct staff meetings to coordinate division activities, discuss major incidents and other issues and inform staff of revised or new policies and procedures. Chairs meetings to discuss problems, operational methods and requirements, holds counseling sessions with subordinates as required. Recommends subordinates for specialized schools to improve effectiveness;
- Reviews patrol and investigative incidents and traffic reports as required. Reviews attendance and prepares reports for superiors;
- Meets with superiors, other agency supervisors and other law enforcement agencies to discuss patrol requirements, operating procedures and special assignments. Maintains liaison with federal, state and local government agencies;
- Responds to telephoned and written inquiries and complaints. Investigates complaints when warranted and ensures staff compliance with the Sheriff's policies and procedures as well as established legal requirements;

Knowledge, Skills and Abilities

- Working knowledge of the West Virginia State Law, Vehicle and Traffic Law, Criminal Procedures and other applicable laws, regulations and ordinances;
- Working knowledge of internal affairs investigatory process and understanding of management principles;
- Working knowledge of office practices and personnel management;
- Ability to apply the use of defensive and restraining physical techniques;
- Ability to acquire skill in the use of special equipment including radar and breathalyzers;
- Ability to apply first aid;
- Ability to deal firmly yet courteously with the public;
- Ability to follow and communicate written and oral directions effectively;
- Ability to observe;
- Ability to make quick decisions regarding personal safety in emergency situations;
- Ability to reason clearly;
- Ability to remember facts and information;
- Ability to apply the principles, practices and procedures of record keeping;

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- Ability to effectively apply report writing techniques;
- Ability to read English and interpret written materials;
- Ability to push/pull, lift, carry heavy objects, stretch, twist, bend, run and demonstrate physical agility;
- Ability to carry on their person a utility belt weighing approximately 10-15 pounds and wearing a ballistic vest weighing approximately 10-15 pounds;
- Ability to carry and discharge a firearm, along with the skill level to comply with agency qualification standards and the ability to maintain firearms and equipment;
- Ability to apply a heightened sense of awareness, the ability to concentrate, multitask, communicate, and react quickly in a constantly changing environment;
- Skill in developing strategic plans and operational procedures;
- Skill in making oral presentations to groups of various sizes;
- Skill to apply the principles and practices of team leadership;
- Skill to enforce the department rules, regulations, directives, policies and procedures;
- Skill to apply modern principles, practices and techniques of law enforcement;
- Skill to manage non-criminal actions such as conflict resolution;
- Skilled in the principles, practices and procedures of supervision and training;
- Skilled in the principles and practices of police administration and modern law enforcement;
- Skill to supervise, schedule, direct, train, motivate and evaluate assigned staff;
- Skill to effectively supervise and coordinate law enforcement activities at the scene of serious incidents.

Special Requirements

- Possession of a valid state driver's license.
- In order to be eligible for promotion, candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.
- Graduation from high school or possession of a high school equivalency diploma.
- Graduate of an approved and prescribed police training course.

II. CAPTAIN/LIEUTENANT

**DEPUTY SHERIFF
Lieutenant/Captain
Classification: DSLC**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. Provide highly effective leadership and management. They are program, project and policy managers. The Lieutenant/Captain performs supervisory and administrative enforcement work. Work involves managing and overseeing enforcement activities, offices and staff. Plans, assigns, and supervises the work of others. Works under limited direction with extensive latitude for the use of initiative and independent judgment. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

Employees in this position are the management within the department.

Their primary purpose is mission accomplishment. Translate the Sheriff's direction into specific tasks and responsibilities that all Deputy Sheriffs can understand and execute. Be an active and visible leader. Promote responsible behaviors within all Deputy Sheriffs. Readily detect and correct unsafe and/or irresponsible behavior.

Employees are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Employees work various shift hours and days off, and are expected to be able to perform the functions and duties of all shifts in all required areas of law enforcement, with back-up only to the extent available. Employees are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Performs operational command and assigns and reviews work of the three shifts of patrol operations and criminal investigation personnel.

Serves as staff to the Sheriff assisting in the formulation of the Sheriff's objectives and coordination of operations. Assigns staff to patrol needs as well as special functions and keeps patrol personnel advised of criminal or suspected criminal activities. Supervises, directs subordinates and keeps informed on active investigations. Assumes command of major case investigations until relieved.

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Reviews patrol and investigative incidents and traffic reports and directs reports to other law enforcement staff as required. Compiles monthly patrol activity reports. Reviews attendance and prepares reports for superiors. Monitors and documents sick and personal leave requests. Reviews and forwards documents related to fugitive apprehension, warrants and mental patient transports.

Chairs meetings with shift supervisors to discuss problems, operational methods and requirements, holds counseling sessions with subordinates as required and meets with Field Training instructors regarding trainee progress. Recommends subordinates for specialized schools to improve effectiveness.

Meets with superiors, other agency supervisors and other law enforcement agencies to discuss patrol requirements, operating procedures and special assignments. Maintains liaison with federal, state and local government agencies.

Responds to telephoned and written inquiries and complaints. Investigates complaints when warranted and ensures staff compliance with the Sheriff's policies and procedures as well as established legal requirements.

Assumes higher command when so directed by the Chief Deputy or Sheriff.

Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills thru performance evaluations are required for continued employment.

Special assignment positions which are a part of this classification include all other duties assigned to by the Sheriff of Berkeley County.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work. In addition to the essential elements listed in §149-2-8.3, the following tasks are required:

A. When performing law enforcement duties:

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- May assist with patrols to enforce laws, investigate crimes and arrest violators;
- May drive patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;
- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.
- Perform all essential duties of the Deputy Sheriff classification as necessary.

B. Supervision. Manages subordinate supervisors who supervise the patrol and investigation divisions. Is responsible for the overall direction, coordination, and evaluation. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, recommending for hire, planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems. Exercises direct supervision over deputy sheriffs, civil process, court security officers and/or other assigned subordinate staff. May provide technical direction to clerical staff.

- Supervises the activity of the shift, unit, team or patrol;
- Plan, direct and review the work of subordinate staff;
- Assist with developing and maintaining shift schedules and determining work assignments;
- Patrol county to review deputies in the performance of their duties;
- Review and evaluate incident and activity reports submitted by subordinates;
- Prepare Performance Evaluations;
- Take appropriate actions to correct performance deficiencies;
- Recommend disciplinary actions and implement actions as directed by higher authority;
- Inspects subordinate staff for compliance with dress and appearance standards;
- Inspects subordinate staff equipment;
- Facilitate the flow of information between the department members and supervision/management;
- Enforce the rules of the department and ensure that subordinate staff complies with department directives and procedures;

Knowledge, Skills and Abilities

- Working knowledge of the West Virginia State Law, Vehicle and Traffic Law, Criminal Procedures and other applicable laws, regulations and ordinances;
- Working knowledge of internal affairs investigatory process and understanding of management principles;
- Working knowledge of office practices and personnel management;

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- Ability to apply the use of defensive and restraining physical techniques;
- Ability to acquire skill in the use of special equipment including radar and breathalyzers;
- Ability to apply first aid;
- Ability to deal firmly yet courteously with the public;
- Ability to follow and communicate written and oral directions effectively;
- Ability to observe;
- Ability to make quick decisions regarding personal safety in emergency situations;
- Ability to reason clearly;
- Ability to remember facts and information;
- Ability to apply the principles, practices and procedures of record keeping;
- Ability to effectively apply report writing techniques;
- Ability to read English and interpret written materials;
- Ability to push/pull, lift, carry heavy objects, stretch, twist, bend, run and demonstrate physical agility;
- Ability to carry on their person a utility belt weighing approximately 10-15 pounds and wearing a ballistic vest weighing approximately 10-15 pounds;
- Ability to carry and discharge a firearm, along with the skill level to comply with agency qualification standards and the ability to maintain firearms and equipment;
- Ability to apply a heightened sense of awareness, the ability to concentrate, multitask, communicate, and react quickly in a constantly changing environment;
- Skill in developing strategic plans and operational procedures;
- Skill in making oral presentations to groups of various sizes;
- Skill to apply the principles and practices of team leadership;
- Skill to enforce the department rules, regulations, directives, policies and procedures;
- Skill to apply modern principles, practices and techniques of law enforcement;
- Skill to manage non-criminal actions such as conflict resolution;
- Skilled in the principles, practices and procedures of supervision and training;
- Skilled in the principles and practices of police administration and modern law enforcement;
- Skill to supervise, schedule, direct, train, motivate and evaluate assigned staff;
- Skill to effectively supervise and coordinate law enforcement activities at the scene of serious incidents.

Special Requirements

- Possession of a valid state driver's license.
- In order to be eligible for promotion, candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.
- Graduation from high school or possession of a high school equivalency diploma.
- Graduate of an approved and prescribed police training course.

III. SERGEANT/CORPORAL

**DEPUTY SHERIFF
Corporal/Sergeant
Classification: DSCS**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. The Corporal/Sergeant performs supervisory, investigative and limited administrative and/or staff support work. Epitomize excellence and lead by example through exhibiting professional behavior, personal bearing, respect for authority, and high standards of dress and appearance. On an assigned shift a Corporal/Sergeant may conduct investigations of offenses, apprehend violators, and/or conduct routine patrol operations in accordance with standard departmental operating procedures. The work is performed under the general supervision of a higher-ranking employee who gives specific instructions and assistance when special problems arise. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

Employees in this position are the first line of supervision within the department.

Accept and execute all duties, instructions, responsibilities and lawful orders in a timely and efficient manner. Lead and develop subordinates and exercise effective followership in mission accomplishment. Place the requirements of their official duties and responsibilities ahead of their personal desires. Have the authority to issue lawful orders appropriate for the completion of their assigned tasks. Detect and correct conduct and behavior that may place themselves or others at risk. Promote esprit de corps.

Employees are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Employees rotate shift hours with varying days off, and are expected to be able to perform the functions and duties of all shifts in all required areas of law enforcement, with back-up only to the extent available. Employees work independently under the general supervision of a supervisor and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred to a supervisor. Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

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Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills thru performance evaluations are required for continued employment.

Special assignment positions which are a part of this classification include K-9 Deputy, Court Security and all other duties assigned to by the Sheriff of Berkeley County. Employees may be required to perform the duties of any of these special assignments as detailed in corresponding position descriptions.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

A. When performing law enforcement duties:

- Patrols assigned areas to enforce laws, investigate crimes and arrest violators;
- Drives patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Assumes control at traffic accidents to maintain traffic flow, assists accident victims and investigates causes of accidents;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Notifies supervisors of major accidents or crimes and making preliminary investigations;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;
- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.
- Perform all essential duties of the Deputy Sheriff classification as necessary.

B. While working/assisting court security:

- Shall guard and protect judges, non-judicial officers and employees, trial jurors, attorneys, witnesses, and the general public;

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-Shall operate a magnetometer and/or other forms of metal detectors.

C. Supervision. Receives direction from assigned management staff. Exercises direct supervision over deputy sheriffs, civil process, court security officers and/or other assigned subordinate staff. May provide technical direction to clerical staff.

- Supervises the activity of the shift, unit, team or patrol;
- Plan direct and review the work of subordinate staff;
- Assist with developing and maintaining shift schedules and determining work assignments;
- Provides on-the-job training to assigned staff;
- Patrol county to review deputies in the performance of their duties;
- Review and evaluate incident and activity reports submitted by subordinates;
- Prepare Performance Evaluations;
- Take appropriate actions to correct performance deficiencies;
- Recommend disciplinary actions and implement actions as directed by higher authority;
- Inspects subordinate staff for compliance with dress and appearance standards;
- Inspects subordinate staff equipment;
- Provide supervision at incident and crime scenes; coordinate with other activities;
- Facilitate the flow of information between the department members and supervision/management;
- Enforce the rules of the department and ensure that subordinate staff complies with department directives and procedures;

Knowledge, Skills and Abilities. In addition to the essential elements listed in §149-2-8.3, the following tasks are required:

- Working knowledge of modern principles, practices and techniques of law enforcement;
- Working knowledge of the West Virginia State Law, Vehicle and Traffic Law, Criminal Procedures and other applicable laws, regulations and ordinances;
- Working knowledge of the local geography;
- Working knowledge of the operation of radio equipment;
- Working knowledge of search and frisk methods;
- Working knowledge of the use of defensive and restraining physical techniques;
- Ability to acquire skill in the use of special equipment including radar and breathalyzers;
- Ability to apply first aid;
- Ability to deal firmly yet courteously with the public;
- Ability to follow and communicate written and oral directions effectively;
- Ability to observe;
- Ability to make quick decisions regarding personal safety in emergency situations;
- Ability to reason clearly;
- Ability to remember facts and information;
- Ability to apply the principles, practices and procedures of record keeping;
- Ability to effectively apply report writing techniques;
- Ability to read English and interpret written materials;
- Ability to push/pull, lift, carry heavy objects, stretch, twist, bend, run and demonstrate physical agility;
- Ability to carry on their person a utility belt weighing approximately 10-15 pounds and wearing a ballistic vest weighing approximately 10-15 pounds;
- Ability to carry and discharge a firearm, along with the skill level to comply with agency

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qualification standards and the ability to maintain firearms and equipment;

- Ability to apply a heightened sense of awareness, the ability to concentrate, multitask, communicate, and react quickly in a constantly changing environment;
- Ability to apply the principles and practices of team leadership;
- Ability to enforce the department rules, regulations, directives, policies and procedures;
- Skill to manage non-criminal actions such as conflict resolution;
- Skilled in the principles, practices and procedures of supervision and training;
- Skilled in the principles and practices of police administration and modern law enforcement;
- Skill to supervise, schedule, direct, train, motivate and evaluate assigned staff;
- Skill to effectively supervise and coordinate law enforcement activities at the scene of serious incidents.

Special Requirements

- Possession of a valid state driver's license.
- In order to be eligible for promotion, candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.
- Graduation from high school or possession of a high school equivalency diploma.
- Graduate of an approved and prescribed police training course.

IV. DEPUTY

DEPUTY SHERIFF Classification: XDSE

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. On an assigned shift a Deputy Sheriff may assist in investigations of offenses, apprehend violators, and/or conduct routine patrol operations in accordance with standard departmental operating procedures. The work is performed under the general supervision of a higher-ranking employee who gives specific instructions and assistance when special problems arise. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

Accept and execute all duties, instructions, responsibilities, and lawful orders in a timely and efficient manner. Complete assigned tasks and accomplish the mission. Place the requirements of official duties and responsibilities ahead of personal desires. Issue lawful orders when placed in charge of work activity or other assigned tasks.

Employees are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Employees rotate shift hours with varying days off, and are expected to be able to perform the functions and duties of all shifts in all required areas of law enforcement, with back-up only to the extent available. Employees work independently under the general supervision of a supervisor and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred to a supervisor. Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills in the successful completion of the FTO program and probation is required for continued employment.

Special assignment positions which are a part of this classification include K-9 Deputy, Court Security and all other duties assigned to by the Sheriff of Berkeley County. Employees may be required to perform the duties of any of these special assignments as detailed in corresponding position descriptions.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

A. When performing law enforcement duties:

- Patrols assigned areas to enforce laws, investigate crimes and arrest violators;
- Drives patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Assumes control at traffic accidents to maintain traffic flow, assists accident victims and investigates causes of accidents;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Notifies supervisors of major accidents or crimes and making preliminary investigations;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;
- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.

B. While working/assisting court security:

- Shall guard and protect judges, non-judicial officers and employees, trial jurors, attorneys, witnesses, and the general public;
- Shall operate a magnetometer and/or other forms of metal detectors.

Knowledge, Skills and Abilities. At the completion of an entry level training program, an officer should be able to perform the following essential functions (§149-2-8.3):

- Arrest and Detain Persons. -- In arrest and detention, an officer may:
 - Advise persons of constitutional rights (Miranda Warning);
 - Arrest persons with a warrant;
 - Arrest persons without a warrant (non-traffic);
 - Conduct temporary detention (“stop and frisk”) of suspicious persons;

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- Execute felony motor vehicle stop;
- Investigate a suspicious vehicle;
- Plan how to make and execute arrests;
- Prepare information and complaint for the filing of charges following an arrest (criminal investigation);
- Review warrants for completeness and accuracy;
- Obtain arrest warrants and making proper returns;
- Check for warrants on persons through NCIC.

-Protect Crime Scene and Collect Evidence and Information. -- In protecting the crime scene and collecting evidence and information, an officer may:

- Collect evidence and personal property from a crime scene;
- Diagram crime scenes;
- Document the chain of custody for evidence;
- Dust and lift latent fingerprints;
- Examine evidence and personal property from crime scenes to determine their importance;
- Package evidence or personal property;
- Use a camera (35mm/video camera, etc.);
- Protect a crime scene until specialized or back-up assistance arrives;
- Record location of physical evidence and fingerprints at the scene;
- Secure the crime scene;
- Initial, mark, and label evidence;
- Determine the area of the crime scene;
- Search crime scenes for physical evidence;
- Search dead bodies for personal property and evidence;
- Recover and inventory stolen property; and
- Tag evidence and confiscated property.

-Enforce Driving Under the Influence (DUI)/Traffic Laws. – In enforcement of DUI/Traffic laws, an officer may:

- Observe persons to recognize signs of drug or alcohol intoxication;
- Make custodial traffic arrests (e.g., DUI);
- Administer roadside sobriety tests;
- Fill out a warrant application to obtain DUI related blood or urine sample;
- Arrange for obtaining a blood or urine sample for blood alcohol content (BAC);
- Arrest DUI suspects;
- Determine probable cause to execute a DUI stop;
- Operate a secondary chemical test instrument to test blood alcohol content;
- Investigate hit and run violations;
- Investigate a traffic crash scene to identify points of impact;
- Record statements of witnesses to traffic crashes;
- Assist trapped persons;
- Direct a moving vehicle out of a line of traffic to execute a vehicle stop; and
- Stop vehicles to arrest, cite or warn occupants.

-Operate Patrol Vehicle. -- In operating a patrol vehicle, an officer may:

- Engage in emergency driving in a congested area;
- Engage in high-speed pursuit or response driving off road;

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- Engage in high-speed pursuit or response driving on an open road;
- Respond to crime in progress calls; and
- Operate portable and car radio equipment.

-Conduct Search and Seizure. -- In conducting search and seizure, an officer may:

- Obtain warrants and make proper returns;
- Plan, organize, and conduct raids;
- Observe a person's body language to assess intentions and attitudes;
- Conduct a field search of arrested persons;
- Conduct a frisk or pat down;
- Search a movable automobile under independent probable cause;
- Search persons in accordance with a court order (e.g., blood sample, hair sample);
- Search premises or property incident to an arrest;
- Search premises or property in hot pursuit or emergency situations;
- Search premises or property with consent;
- Search premises or property with a warrant;
- Seize contraband; and
- Search for a person in a darkened building or environment.

-Use Physical Force to Control Persons. -- In using force to control persons, an officer may:

- Confront, in a riot formation, groups of agitated people;
- Control hostile groups (e.g., demonstrators, rioters);
- Use holds or devices to control or take a suspect down;
- Tackle a fleeing suspect;
- Physically subdue an attacking person;
- Use weaponless defense tactics;
- Subdue a person resisting arrest;
- Use body pressure points to control a person;
- Disarm a violent armed suspect;
- Remove a person out of vehicle who is resisting arrest;
- Strike a person with side-handled baton;
- Strike a person with straight baton;
- Use submission holds to control a person;
- Locate and observe crowd agitators;
- Patrol riot stricken or civil disturbance areas;
- Physically restrain a crowd;
- Catch a falling person to prevent injury;
- Use body language to project control and influence a situation;
- Use voice commands to project control and direct actions; and
- Hold a flashlight in one hand while performing various police duties.

-Use Deadly Weapons. -- In using deadly weapons, an officer may:

- Clean and inspect weapons;
- Discharge a firearm at a vehicle;
- Discharge a firearm in low light conditions;
- Discharge a firearm at a person;
- Draw a weapon to protect himself or herself or a third party;
- Participate in firearms training;

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- Secure a firearm when off duty (e.g., home);
- Fire a weapon in a dark environment with a flashlight in one hand;
- Fire a weapon in low light combat (not including training);
- Fire a weapon in daytime combat (not including training);
- Carry a firearm when off duty; and
- Discharge a weapon at an animal.

-Provide Emergency Assistance. -- In providing emergency assistance, an officer may:

- Determine existence of hazardous materials at the scene of a wreck (e.g., train, vehicle, etc.);
- Evacuate persons from dangerous areas (e.g., fire, chemical accident, etc.);
- Secure accident and disaster scenes;
- Administer cardio-pulmonary resuscitation (CPR);
- Administer mouth-to-mouth resuscitation;
- Apply basic first aid to control bleeding;
- Apply basic first aid to treat for amputations;
- Apply basic first aid to treat for choking (e.g., Heimlich Method);
- Talk with a person attempting suicide to get him or her to stop or delay the attempt.
- Use protective gear to prevent contact with infectious diseases;
- Take a mentally ill person into custody for his or her own protection;
- Mediate family disputes;
- Fire a weapon in a dark environment with flashlight in one hand;
- Pull person out of a vehicle to perform a rescue; and
- Place children in protective custody (e.g., child abuse).

-Conduct Initial and Follow-Up Investigation of Various Crimes and Events. -- In conducting such investigation, an officer may:

- Conduct complete criminal investigations;
- Respond to and conduct preliminary investigation of events including but not limited to criminal activity, traffic crashes and disasters.
- Conduct on-the-scene suspect identifications (e.g., show-up or one-on-one suspect identification);
- Conduct stationary surveillance of individuals or locations;
- Determine whether incidents are criminal or civil matters;
- Determine whether recovered property is linked with a previous crime; and
- Exchange necessary information with other law enforcement officials (including intelligence information).

-Write and Read Reports and Other Documents. -- In writing and reading reports and other documents, an officer may:

- Complete an initial offense report;
- Complete arrest reports;
- Complete a criminal investigation report of felonies; and
- Record confessions in writing.

-Present Testimony. -- In presenting testimony, an officer may:

- Present evidence in legal proceedings;
- Review reports and notes prior to court testimony;

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- Testify at evidence suppression hearings;
- Testify at probable cause preliminary hearings;
- Testify before grand juries;
- Testify in criminal trials; and
- Testify in administrative hearings (e.g., Division of Motor Vehicles' (DMV) driver's license revocation, breath test refusal):

- Transport Persons in Custody. -- In transporting persons in custody, an officer may:
 - Operate a vehicle to transport prisoners; and
 - Search a vehicle for weapons and contraband (e.g., before and after prisoner)

- Conduct Interviews and Interrogations. -- In conducting interviews and interrogations, an officer may:
 - Interrogate adult suspects;
 - Interview complainants, witnesses, etc.;
 - Interview victims of sex crimes.
 - Interrogate a suspect or witness with use of polygraph results;
 - Interview informants;
 - Take statements of witnesses; and
 - Interrogate juvenile suspects.

- Conduct Traffic Crash Investigations. -- In conducting traffic crash investigations, an officer may:
 - Collect physical evidence from a crash scene;
 - Complete the standard Division of Highways traffic crash report form;
 - Determine contributing factors to a crash;
 - Diagram crash scenes;
 - Protect traffic crash physical evidence for collection; and
 - Take precautions to prevent additional crashes at a crash scene.

- Equipment Used by Law Enforcement Officers. In performing the essential functions of the job, an officer may use the following:
 - A roadside preliminary breath test;
 - An automobile;
 - A baton (or other department authorized Less Than Lethal equipment, i.e. taser, mace/pepper spray);;
 - Body armor;
 - A fire extinguisher;
 - A first aid kit;
 - Road flares;
 - A flashlight;
 - Flexi-cuffs;
 - Handcuffs;
 - A handheld police radio;
 - A police car radio;
 - A public address system;
 - A speed measuring device;
 - A handgun;
 - A shotgun;

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- Lights and sirens;
- Rubber gloves;
- Ammunition and ammunition magazines; and
- Weapon cleaning equipment

Special Requirements

- Possession of a valid state driver's license.
- In order to be eligible for appointment candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.
- Graduation from high school or possession of a high school equivalency diploma.

V. INVESTIGATOR

DEPUTY SHERIFF
Investigator
Classification: DSIN

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. Investigators investigate crimes against people, and the theft and vandalism of property. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

The investigator directs the collection of physical and forensic evidence at the scene of the crime. The investigator presents the results of his investigation to the Prosecuting Attorney's office for prosecution if enough evidence is gathered to make an arrest. He is required to testify in criminal cases. Investigators may also work undercover or impersonate criminals to gather evidence.

Investigators, like other Deputy Sheriff's, are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Investigators may rotate shift hours with varying days off, and are expected to be able to perform the functions and duties in all required areas of law enforcement, with back-up only to the extent available. Investigators work independently under the general supervision of a section supervisor and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Investigators are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred to a supervisor. Work is reviewed by the section supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Investigators are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Investigators are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills is required for continued employment.

Environmental Factors and Physical Demands: Investigators must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

A. Although an investigator's job is generally safe, it can occasionally be dangerous.

- Investigators working undercover are exposed to dangerous criminals and threats of violence.
- Investigators who serve search warrants at suspected criminals' homes and businesses also may face dangerous situations.
- Investigators not only work day shifts, but also at night and on weekends and holidays. They are on call 24 hours a day, regardless of time or weather conditions.
- Interviews witnesses, victims and suspected offenders
- Directs the collection of physical and forensic evidence at the scene of the crime
- Presents the results of his investigation for prosecution
- Testify in criminal cases
- Work undercover or impersonate criminals to gather evidence

B. When performing other law enforcement duties, the Investigator may:

- Patrols assigned areas to enforce laws, investigate crimes and arrest violators;
- Drives patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Assumes control at traffic accidents to maintain traffic flow, assists accident victims and investigates causes of accidents;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Notifies supervisors of major accidents or crimes and making preliminary investigations;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;
- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.

Knowledge, Skills and Abilities. In addition to the mandatory requirements of §149-2-8.3:

- Conducts criminal investigations. Receives reports, evaluates information, interviews victims, witnesses and suspects. Collects, processes and packages evidence and maintains documentation of events for possible court testimony.

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-Coordinates with other agencies and resources. Shares and receives information and reports and analyzes for pertinent information. Maintains databases of relevant information and disseminates as appropriate.

-Analyzes data for trend information and probable courses of action.

-Provides case information on past and present investigations to appropriate parties. Investigates and interprets provided information such as gang-related activities.

Special Requirements

-Possession of a valid state driver's license.

-In order to be eligible for appointment candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.

-Graduation from high school or possession of a high school equivalency diploma.

VI. K-9 HANDLER

**DEPUTY SHERIFF
K-9 Handler
Classification: DSK9**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. K-9 police officers work closely with their dogs to enforce laws and apprehend criminals. On an assigned shift a Deputy Sheriff K9 officers may assist in investigations of offenses, apprehend violators, and/or conduct routine patrol operations in accordance with standard departmental operating procedures. The work is performed under the general supervision of a higher-ranking employee who gives specific instructions and assistance when special problems arise. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

Employees are responsible to assist the general public in disasters, emergencies and other matters of a non-criminal nature. Employees rotate shift hours with varying days off, and are expected to be able to perform the functions and duties of all shifts in all required areas of law enforcement, with back-up only to the extent available. Employees work independently under the general supervision of a supervisor and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred to a supervisor. Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills in the successful completion of the FTO program and probation is required for continued employment.

Special assignment positions which are a part of this classification include all other duties assigned to by the Sheriff of Berkeley County. Employees may be required to perform the duties of any of these special assignments as detailed in corresponding position descriptions.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

A. When performing law enforcement duties:

- Patrols assigned areas to enforce laws, investigate crimes and arrest violators;
- Drives patrol vehicle through assigned area, observing traffic violations and issuing citations;
- Assumes control at traffic accidents to maintain traffic flow, assists accident victims and investigates causes of accidents;
- Locates and takes persons into custody on arrest warrants;
- May attend court and present evidence in connection with arrests made or cases investigated;
- Notifies supervisors of major accidents or crimes and making preliminary investigations;
- Investigates illegal or suspicious activities of persons and quells disturbances;
- Maintains order in crowds, parades, fairs and other public gatherings;
- Prepare and write extensive and complex police reports; correspondence, staff reports and related documents; maintain daily log of all activities;
- May transport or escort prisoners between courtrooms, correction facilities and medical facilities;
- Answers questions for, directs and assists the public;
- Operates telephone, radio, computer and miscellaneous equipment;
- May serve court orders and processes, such as summonses, subpoenas and income executions;
- May perform terrain patrol, operating four-wheelers and other special equipment in navigable areas of the County.

B. While working as a K9 officer:

- can use their dog to enforce public order while on patrol;
- assist shift units with situations that specifically require a K9 assistance;
- with approval, can assist other agencies;
- if specifically trained, can assist with location of narcotics;
- if specifically trained, can assist with location of people;
- if specifically trained, can assist with location of explosives;
- if specifically trained, can assist with search of areas, buildings and vehicles;
- if specifically trained, can assist with control of general public which is usually done by general presence

Knowledge, Skills and Abilities. An officer should be able to perform the essential functions as stipulated in §149-2-8.3. In addition to the knowledge, skills and abilities of a K9 officer, the Deputy shall meet the requirements of his rank as set forth in the Classification Plan.

- a primary role for police dogs is pursuing and apprehending suspects that attempt to escape law enforcement officers;

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- handler must be responsible for maintaining complete control of the dog at all times, as this is a source of potential liability;
- be ready to respond to emergency situations with little or no notice;
- will work any shift or hours as directed by the Sheriff or his designated representatives;
- K-9 officer must be comfortable interacting with the public. Public demonstrations are an important part of the K-9 unit's activities, as such displays increase interest and support from the community and local media. Officers may visit schools, community groups, and other organizations to showcase their canine partner's contribution to public safety;
- handler is responsible for the dog at all times, as the dog lives with the officer and his or her family during nonworking hours;
- provide for the personal and medical needs of the K9;
- maintain mandatory certifications for both deputy and the K9;
- deputy must maintain good physical health so that they are able to meet the physical demands associated with performing K9 duties.

Special Requirements

- Possession of a valid state driver's license.
- In order to be eligible for appointment candidate must meet all current requirements of Chapter 7 Article 14 of the West Virginia State Code.
- Attend and successfully complete an intensive training process specifically designed for Law Enforcement K9 handlers and the K9 where the pair completes agility and obedience work, search training, tracking and scouting exercises, apprehension work, protection and simulated suspect apprehension scenarios, and tactical deployment exercises. The officer will also complete coursework on canine behavior and first aid techniques. The Sheriff will make the final determination of what courses are acceptable for attendance.
- Graduation from high school or possession of a high school equivalency diploma.

VII. COURT SECURITY OFFICER

**DEPUTY SHERIFF
Court Security Officer
Classification: DSCO**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. Court Security Officers are law enforcement officers who are situated in courtrooms to maintain order and provide security. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

This is a Special Assignment duty position as assigned by the Sheriff of Berkeley County. These duties may be an assignment on a regular basis or as a short term duty assignment. Deputy Sheriff's assigned to these duties are still required to fulfill the requirements of the duties assigned in one of the primary job classifications, i.e. Deputy Sheriff, Corporal, Sergeant, and Lieutenant.

Court Security Officers are responsible for all security aspects of a courthouse, including ensuring that the judges and judicial staff, court employees and general public visiting the courthouse are safe. They are, essentially, police officers who protect the people in a court.

Along with guarding juries and enforcing rules of the courts, Court Security Officers open court by announcing the judges' arrival and close court by announcing the judges' departure. They may call witnesses to the stand and present the oath before witnesses take the stand. Court Security Officers might also provide administrative support to judges and jurors, stock courtroom supplies, deliver court documents, take custody of offenders, ejecting people from the courtroom and helping witnesses leave the stand. They are also in charge of watching over a jury, which could include transporting the jury to and from eating establishments while they are on duty as well as watching over the hotel where a jury stays overnight during a trial.

They also ensure that no weapons are brought into the courthouse and that the public complies with building safety rules. Other job duties include watching doorways, managing metal detectors and roaming a courthouse's hallways to check for suspicious activity.

Employees work independently and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred

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to a supervisor. Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful completion of basic police academy, and demonstrated proficiency in job skills is required for continued employment.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties may require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

- A. Maintain order in courtroom during trial and guard jury from outside contact.
- B. Enforce courtroom rules of behavior and warn persons not to smoke or disturb court procedure.
- C. Provide security for jurors in the courtroom and when required, outside the courtroom.
- D. Maintain control over all prisoners.
- E. Monitor witnesses.
- F. Assist with building security and security measures.

Knowledge, Skills and Abilities. An officer should be able to perform the essential functions as listed in §149-2-8.3 and those skills and abilities as listed in job classifications for their rank.

VIII. SCHOOL RESOURCE OFFICER

**DEPUTY SHERIFF
School Resource Officer
Classification: DSRO**

System

West Virginia Civil Service

Distinguishing Characteristics

This position exists in the Berkeley County Sheriff's Department and involves responsibility for the protection of lives and property and the enforcement of general laws of West Virginia State and ordinances within the County. School resource officers (SROs) are sworn law enforcement officers who are responsible for providing security and crime prevention services in the American school environment. Does related work as required and or directed by the Sheriff of Berkeley County or his designated representatives.

Nature of Work

This is a Special Assignment duty position as assigned by the Sheriff of Berkeley County. These duties may be an assignment on a regular basis or as a short term duty assignment. Deputy Sheriff's assigned to these duties are still required to fulfill the requirements of the duties assigned in one of the primary job classifications, i.e. Deputy Sheriff, Corporal, Sergeant, Lieutenant.

SROs are typically work closely with administrators in an effort to create a safer environment for both students and staff. The responsibilities of SROs are similar to regular police officers in that they have the ability to make arrests, respond to calls for service, and document incidents that occur within their jurisdiction. School resource officers typically have additional duties to include mentoring and conducting presentations on youth-related issues.

Employees work independently and are expected to handle a variety of potentially hostile and dangerous situations in a calm, competent manner. Employees are required to exercise discretion and judgment and to analyze situations quickly and objectively, to recognize actual and potential danger, and to determine proper courses of action. Unusual problems and situations are referred to a supervisor. Work is reviewed by the supervisor through observation and evaluation of demonstrated ability to handle a variety of work situations.

Employees are required to use only that amount of force which is reasonably necessary to effect arrests, to protect persons or property, in accordance with West Virginia State Law and Department Policies and Procedures.

Employees are sworn to act in behalf of the Sheriff of Berkeley County and carry firearms in the performance of their duties. Qualification with firearms per Department policy, successful

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completion of basic police academy, and demonstrated proficiency in job skills is required for continued employment.

Environmental Factors and Physical Demands: Employees must be able to work in a variety of environmental conditions. Work includes both indoor and outdoor conditions in both light and dark conditions. Duties may require the following abilities on various types of surfaces (mountainous terrain, water, ice, flat and dry) in various weather conditions (rain, snow, ice, and other slippery conditions): running, jumping, sitting or standing for extended periods, maintaining balance, climbing stairs, ladders and inclines, kneeling, bending, stooping, crouching, reaching, pushing, pulling, twisting.

Examples of Work

A. Crime Prevention

- work to prevent juvenile delinquency through close contact and positive relationships with students;
- monitor crime statistics and work with local patrol officers and students together to design crime prevention strategies;
- shall develop crime prevention programs and conduct security inspections to deter criminal or delinquent activities;
- protect the students from external matters;
- responsible for reducing the juvenile crimes that occur on school property;
- creating a safe environment through school related programs;
- be visible within the school community;
- attend and participate in school functions;
- build working relationships with the school's staff as well as with student and parent groups.

B. Law Enforcement

- provide law enforcement and police services to the school, school grounds and areas adjacent to the school;
- investigate allegations of criminal incidents per police department policies and procedures;
- enforce state and local laws and ordinances;
- make appropriate referrals to juvenile authorities or other governmental agencies.

C. School Administration

- establish and maintain a close partnership with school administrators in order to provide for a safe school environment;
- assist school officials with their efforts to enforce Board Of Education policies and procedures; -
- ensure school administrator safety by being present during school searches, which may involve weapons, controlled dangerous substances or in such cases that, the student's emotional state may present a risk to the administrator;
- assist school administrators in emergency crisis planning and building security matters;
- provide assistance for school personnel in handling crisis situations, which may arise at the school.

D. School Staff

- work closely with teachers in designing and presenting law-related topics and the role of police in our society;

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- work with guidance counselors and other student support staff to assist students and to provide assistance to students;
- assist in conflict resolution efforts;

E. Students

- initiate interaction with students in the classroom and general areas of the school building;
- promote the profession of police officer and be a positive role model;
- increase the visibility and accessibility of police to the school community.

Knowledge, Skills and Abilities. An officer should be able to perform the essential functions as listed in §149-2-8.3 and those skills and abilities as listed in job classifications for their rank.

**ATTACHMENT 3
THE WRITTEN EXAMINATION BRIEFING**

Congratulations and welcome to the written examination portion of the application process for employment as a Berkeley County Deputy Sheriff.

I would again like to take a moment to introduce those members of the Civil Service Commission who will be your proctors for today's written exam.

_____, Civil Service Commissioner
_____, Civil Service Commissioner
_____, Administrative Assistant and Deputy County Clerk
_____, Administrative Assistant and Deputy County Clerk
And I am _____, President of the Civil Service Commission

Let us begin with a few basic local rules.

1. Turn off all cell phones. Do not just silence them, **TURN THEM OFF.**
2. Put your cell phone away. It is not to be lying on the desk/table.
3. You are not permitted any electronic devices while you are taking the exam.
4. If there is an emergency, the exits are located as follows:

All written exam scoring is done in Charleston, WV by the WV Division of Personnel. The local Civil Service Commission does NOT score any written exams. If, after you receive notification of your test score, you believe that there is an error in your score and you wish that your score be re-checked, you must file a written request with the Berkeley County Deputy Sheriffs Civil Service Commission to have your score verified. You must make this request within 5 business days of the written score being posted. Your request must state why you believe that your score is incorrect. The local Commission will make the request to the WV Division of Personnel.

This exam is only the second phase of your application process. Once you have successfully completed the written exam and based on your ranking on the eligibility listing, you will be ready for the next phase which is the background check. This is a detailed and extensive process. You will receive a background information packet from the Berkeley County Sheriff's Office. It is important that you complete this packet in its entirety, completing all forms with detailed information and do this as quickly as possible. Be complete, honest and detailed. If you provide references, make sure you check with those people before you put their name in your packet. If you are contacted and asked to turn in your packet but you have not completed it as of the date of the request, you may be subject to being passed over for consideration.

The written examination requires a minimum passing score of 75% in order for an applicant to be given further consideration.

Eligibility List. The BCDCSC shall post the eligible list, containing the names and grades of those who have passed such competitive examinations for positions as deputy sheriffs. The list will be established based upon the written examination and the fitness test.

Veteran Preference. WV Code Chapter 6, Article 13, Section 1 provides that qualified veterans who are disabled or served on active duty during specified time periods and who make a minimum passing grade on written examinations for hire may claim preference in state, county and local competitive hiring. Any applicant wishing to claim veteran preference IAW §6-13-1 must provide to the commission a certified copy of the individual's DD Form 214. Additionally, if claiming an injury or hardship, copies of any documentation, medical or otherwise, showing they were discharged due to injury or hardship must be provided. This documentation will need to be provided to the commission no later than the day of the written examination. If the individual meets the requirements to receive the additional points, the points will be added to the written examination score. Does anyone have this documentation that has not turned it into the Commission yet?

Medical Examination. All applicants for appointment to any position as a deputy sheriff in Berkeley County, who have passed the competitive examination specified above shall, before being appointed, undergo a medical examination which shall be conducted under the supervision of a board composed of two doctors of medicine appointed for such purpose by the sheriff of the county. Such board must certify that an applicant is free from any bodily or mental defects, deformity or diseases which might incapacitate him/her from the performance of the duties of the position of Deputy Sheriff and is physically fit to perform such duties before said applicant shall be appointed to that position. A medical examination will not be conducted until the Sheriff is ready to appoint an individual from the eligibility listing.

Certification of Eligible Individuals. The BCDCSC shall forthwith certify, from the eligible list, the names of the three persons thereon who received the highest averages at preceding competitive examinations and provide these three names to the Sheriff.

Tie Scores. In the event there is a tie score for the third position on the eligibility listing, the names of those individuals that are tied in the third position will all be included on the certified listing that will be sent to the Sheriff.

Appointment from Eligibility List. The Sheriff shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified.

Physical Fitness. Even though you have completed the Physical Fitness Test for the application process, you must continue to maintain your fitness qualification. If you are selected for employment, the first day at the WV State Police Academy you will be tested again on Physical Fitness utilizing the same standards as you were subject to today. If you fail any portion of that test, you will immediately be sent home. DON'T SIT BACK AND THINK YOU ARE DONE!

If you want a complete copy of the Application and Appointment rules, please notify one of us in the room after you complete your exam and we will provide you a copy.

Draft 10.6.2020

Background Questionnaire. Now let me introduce to you
_____ of the Berkeley County Sheriff's Office who has
some information for you.

In a moment we will begin the exam process. Before we do, is there anyone who needs to go to the restroom at this time?

OK! Let us begin with the written exam rules and procedures. Good luck to each of you!

EXAM START TIME: _____

EXAM STOP TIME: _____

END NOTES

ⁱ §149CSR2 states “*The minimum passing grade on an examination is seventy-five percent (75%) and an officer shall maintain an academic average of seventy-five percent (75%) for graduation and certification.*” *Considering this is the required standard for certification, the entrance examination should be of comparable requirement.*

ⁱⁱ §7-14-7 states “*Any such commission has the power and authority to require by rules and regulations a physical fitness examination as part of its competitive examination or as part of its medical examination*”.

ⁱⁱⁱ Civil Action 11-C92 stipulates that “*The Commission’s responsibility, under WV Code 7-14-1, et seq, includes setting rules necessary to carry out the promotional process. This includes delineating, with proper notice and distribution, what should happen, for example, in the event of a tie score. These types of issues are the province of the Commission.....*”

^{iv} Civil Action 11-C92 stipulates that “*This Court should view of the two years in grade requirement in the same manner – the new appointment date is always the date for the two years in grade requirement – even if reinstatement was done pursuant to Article 8*”.

^v Civil Action 01-P-12, Meadows v. Hopkins stipulates that “*For these reasons, we therefore hold that, pursuant to W. Va. Code § 7-14-8 (1972) (Repl. Vol. 2000), the civil service commission for deputy sheriffs has exclusive discretionary authority to reinstate an applicant for deputy sheriff, who formerly served as a deputy sheriff, without either a competitive examination or the concurrence of the sheriff or county commission.*”

^{vi} Civil Action 11-C92 stipulates that “*This language is a clear attempt to require the Commission and the Sheriff to fill vacancies in a reasonable time frame. Completing competitive examinations in a timely manner is necessary to the completion of this mandate. It appears that at least two options are available to the Commission: a recurring examination at least every two years, or an examination promptly given upon vacancy.....Accordingly, the Court should not and does not determine the rules for when competitive examinations are to be held going forward*”.

^{vii} Civil Action 11-C92 stipulates that “*Next, the date for eligibility in regard to the two years’ service in the next lower grade, must be set at the date of vacancy of the position for which the person is being promoted.....So, the Commission is ORDERED to make this the date for determining eligibility for the subject promotions. Further, it is clear that this two years in the next lower grade requirement must be continuous and immediately preceding the vacancy. So, the Commission is ORDERED to certify deputies for promotion following this interpretation*”.

^{viii} Civil Action 11-C92 stipulates that “*These sections read, in pari material and in light of prior precedent, establish two categories of criteria which are to be used in deputy sheriff promotions: (1) qualification as shown by previous service and experience; and (2) merit and fitness as ascertained by competitive examinations to be provided by the civil service commission. Previous service means performance appraisals; experience means seniority. Syl. Pt. 3, Mangus v. Ashley, 199 W. Va. 651, 487 S.E.2d 309 (1997).*”

^{ix} §7-14-13 states “*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*”. *Therefore consideration should be given to the evaluations of those two years immediately prior to the eligibility date.*

^x Civil Action 11-C92 stipulates that “*The Commission’s responsibility, under WV Code 7-14-1, et seq, includes setting rules necessary to carry out the promotional process. This includes delineating, with proper notice and distribution, what should happen, for example, in the event of a tie score. These types of issues are the province of the Commission.....*”

^{xi} Civil Action No. 89-C-679-B, Meek v. Pugh stated: “*....allow no exercise of discretion and require the promotion of the highest scoring individual as a matter of law*”.