

## **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 BCDSCSC of any vacancy to be filled, and shall request the certification of eligible individuals. Completing competitive examinations in a timely manner is necessary.<sup>vi</sup>

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 BCDSCSC.

### **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.<sup>vii</sup>

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.<sup>viii</sup> 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 BCDSCSC 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 eligibiliy 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

<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).

The screenshot shows a web browser window displaying the Cornell University Medical College website. The page is titled "Age Calculator" and is part of the "CRITICAL CARE PEDIATRICS" section. The main content area contains a form for calculating age based on the Date of Birth and another date (default is the current date). The form includes input fields for "Date of Birth" and "Age at This Date", "Calculate" and "Clear" buttons, and a display area for "Age" in years, months, weeks, and days. A sidebar on the right lists various medical calculators such as "Emergency Med & Drip Dosing", "A-a Gradient", "Alveolar Gas Equation", "Age", "Base Excess", "Basal Energy Exp", "Body Mass Index", "Body Surface Area", "Calcium Equivalents", "CrCl Measured", "CrCl Schwartz", "CrCl Schwartz Rev", "CRRT Clearance", "Dehydration Correction", "FENa", and "Gauge-French Conversion".

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.<sup>ix</sup>

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

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

H. Tie Scores.<sup>x</sup> 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 BCDSCSC. The following are exceptions that will be considered by the BCDSCSC.

- 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 BCDSCSC, have a different date set for examination. A copy of the military orders must be submitted to the BCDSCSC 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 BCDSCSC, 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.<sup>xi</sup> The Sheriff will notify the BCDCSC, in writing, of his selection(s).