

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3243

BY DELEGATE STEELE

[Introduced March 16, 2021; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §7-14-9 of the Code of West Virginia, 1931, as amended, relating
 2 to deputies transferring to another department within the civil service system; permitting
 3 deputies to transfer without the need to retake a written examination; requiring a medical
 4 screening examination prior to transfer; and requiring a background screening prior to
 5 transfer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

**§7-14-9. Character and notice of competitive examinations; qualifications of applicants;
 competitive examinations to be prescribed by state civil service commission; press
 representatives; posting eligible list; medical examinations; exceptions as to and
 training of deputies serving on effective date of article.**

1 (a) All competitive examinations for appointments or promotions to all positions of deputy
 2 sheriff shall be practical in their character, and shall relate to such matters, and include such
 3 inquiries, as will fairly and fully test the comparative merit and fitness of the person or persons
 4 examined to discharge the duties of the position sought by him or her or them. The ~~state civil~~
 5 ~~service commission~~ State Personnel Board shall prepare and prescribe, from time to time, the
 6 competitive examination to be given by the ~~civil service commission~~ State Personnel Board of
 7 each such county. All competitive examinations shall be open to all applicants who have fulfilled
 8 the preliminary requirements specified in other sections of this article.

9 (b) Adequate public notice of the date, time and place of every competitive examination
 10 held under the provisions of this article, together with information as to the position to be filled,
 11 shall be given at least two weeks prior to such competitive examination. The ~~commission~~ board
 12 shall adopt reasonable rules and regulations for permitting the presence of representatives of the
 13 press at any such competitive examination. The ~~commission~~ board shall post, in a public place at
 14 its office, the eligible list, containing the names and grades of those who have passed such
 15 competitive examinations for positions as deputy sheriffs, under this article, and shall indicate

16 thereon such appointments as may be made from said list.

17 (c) All applicants for appointment or promotion to any position as a deputy sheriff in any
18 such county who have passed the competitive examination specified above shall, before being
19 appointed or promoted, undergo a medical examination which shall be conducted under the
20 supervision of a board composed of two doctors of medicine appointed for such purpose by the
21 sheriff of the county. Such board must certify that an applicant is free from any bodily or mental
22 defects, deformity or diseases which might incapacitate him or her from the performance of the
23 duties of the position desired and is physically fit to perform such duties before said applicant shall
24 be appointed or promoted to any position. Notwithstanding the first sentence of this paragraph, in
25 the event the ~~commission~~ board deems it expedient, the medical examination may be given prior
26 to the competitive examination, and if the medical examination is not passed as aforesaid, the
27 applicant shall not be admitted to the competitive examination.

28 (d) All deputies who are employed as deputies on the effective date of this article shall be
29 considered to have been appointed under the provisions of this article, without regard to their age,
30 provided they are not on said date 65 years of age or older, and without competitive examination
31 or medical examination, and shall hold their positions in accordance therewith for one year from
32 the effective date of this article. The ~~civil service commission~~ State Personnel Board shall,
33 however, establish or prescribe a training program for deputies who are employed as such on the
34 effective date of this article, giving due consideration to available training personnel and
35 programs. Such deputies must complete such training program and must score a minimum of 60
36 points on a written examination in which 100 points would be the highest possible score. The
37 examination shall be given in accordance with rules and regulations to be promulgated by the ~~civil~~
38 ~~service commission~~ State Personnel Board of the county. A deputy failing to qualify under the
39 provisions of this paragraph may be continued in his or her position at the discretion of the sheriff
40 but in no event for a period of more than one year. Such person may be reexamined at the
41 discretion of the ~~civil service commission~~ State Personnel Board of the county and may qualify as

42 provided in this paragraph.

43 (e) Any deputy who has met all qualifications for appointment to a county or municipal
44 police force may transfer to any other county or municipal police force within the civil service
45 system and such person may transfer, without the need for retaking an additional written
46 examination or other requirements, upon successfully completing: (1) a medical examination
47 ensuring the transferring person does not have any underlying conditions that could result in his
48 or her incapacity or limit his or her ability to perform the job duties, and (2) completing a
49 background screening.

NOTE: The purpose of this bill is to permit deputies within the civil service system transfer to another department or county without the need to retake a written examination upon meeting other requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.