



Department of Public Safety
(West Virginia State Police)
South Charleston, West Virginia 25309

*Emergency
Section 7
Series 1*

John D. Rockefeller III
Governor

Executive Office
May 30, 1984

Colonel John W. O'Rourke
Superintendent

The Honorable A. James Manchin
Secretary of State
Suite 157-K
State Capitol Complex
Charleston, West Virginia 25305

Dear Mr. Secretary:

Pursuant to the West Virginia Code of 1931, as amended, Chapter 29A, Article 3, Section 15, please accept for emergency filing the Administrative Regulations (regulations promulgated by the Cadet Selection Board and regulations promulgated by the Retirement Board) of the Department of Public Safety.

These regulations set forth such mental examinations and other requirements promulgated by the Cadet Selection Board and physical standards promulgated by the Retirement Board to be met by applicants for enlistment in the West Virginia Department of Public Safety.

These regulations supersede all previous regulations promulgated by the Cadet Selection Board and Retirement Board.

Sincerely,

John W. O'Rourke
COLONEL JOHN W. O'ROURKE
SUPERINTENDENT

JWO/mdh
ENCLOSURES

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE *MAY 31, 1984*
Administrative Law Division



Department of Public Safety
(West Virginia State Police)
South Charleston, West Virginia 25309

John B. Rockefeller III
Governor

Executive Office
May 31, 1984

Colonel John W. O'Rourke
Superintendent

Colonel John W. O'Rourke
Superintendent
Department of Public Safety
725 Jefferson Road
So. Charleston, West Virginia 25309

Dear Sir:

The attached eligibility standards for Cadet Selection have been established by the Cadet Selection Board. As Chairman of that Board it is our recommendation that these standards be submitted to the Legislative Rules Committee and to the Secretary of State's office.

Respectfully submitted,

R. H. MILLER, MAJOR
CHAIRMAN - CADET SELECTION BOARD

RHM:mdh

ATTACHMENTS

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE May 31, 1984
Administrative Law Division

Sec. 7.00 -- Applicants and Training Procedure

(a) This section relates to West Virginia Code 15-2-7.

(b) No applicant will be selected for enlistment until he/she shall have first filled out and submitted Form No. 1 - D.P.S. (Application for Enlistment) and made affidavit as to the veracity of the statements contained therein. A copy of his/her birth certificate, high school diploma, college transcript, and military Form DD-214, if applicable, must be attached to the application.

"No person will be barred from becoming a member of the department because of religion, political convictions, sex, race, or national origin."

(c) The Superintendent shall establish within the Department of Public Safety a cadet selection board which shall be representative of commissioned and non-commissioned officers within the Department.

(d) Each applicant for enlistment shall be selected on the basis of the following qualifications:

(1) Preference in making appointments shall be given whenever possible to honorably discharged members of the armed forces of the United States, and to residents of West Virginia.

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A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 5-31-84
Administrative Law Division

(2) Each applicant for appointment shall be a person not less than twenty-one(21) years of age and not having reached his/her thirtieth(30) birth date before date of enlistment.

(3) Each applicant shall be required to pass such mental examination and meet other requirements as may be provided for in regulations promulgated by the cadet selection board.

(4) Each applicant shall be required to pass such physical examination as may be provided for in regulations promulgated by the retirement board.

(5) Each applicant will be in good health and physical condition.

(6) A former member may, at the discretion of the Superintendent, be reenlisted if the period of his/her former service subtracted from his/her age does not exceed thirty(30) years.

(7) Each applicant shall be of good moral character.

(8) The superintendent shall appoint a member to the position of trooper from among the top three names on the current list of eligible applicants established by the cadet selection board.

(9) Except for the superintendent, no person may be appointed or enlisted to membership in the department at a grade or rank above the grade of trooper.

CADET SELECTION AND TRAINING GUIDELINES

1.01 The applicant will be invited to the training academy by the Superintendent for the purpose of taking the physical aptitude, preliminary medical examinations and the mental examinations; at which time the applicant will be required to release the State from any liability occurring during any of the testing procedures. The applicant shall successfully complete each phase of screening before advancing to the next phase.

(a) Each applicant shall be required to have a high school education or equivalent, and shall be required to pass the entrance examination.

(b) Each applicant must be able to speak clearly and without impediment of speech.

(c) Each applicant will display the proper attitude with a weapon by successfully dry firing a department revolver, double action, with each hand, using only the index finger.

(d) The mental examination shall consist of not less than one intelligence test, one police adaptability test, and one observation test.

The American College Testing (ACT) Program will be utilized as an Intelligence Test. A composite score of 17 is passing. This is a pass-fail exam and will not be utilized in the composite score to determine an average.

In grading the mental examination the police adaptability will be given a weight of 4; the observation test a weight of 1. The score shall be multiplied by the weight and the total for both examinations divided by 5. A composite score of 70% is considered passing. This score will be utilized for rank-order of applicants.

1.02 After an applicant has passed the physical aptitude test, preliminary medical examination, and the mental examinations he/she will be fingerprinted.

1.03 No applicant shall be enlisted until his/her background and character have been thoroughly investigated by a member of the Department of Public Safety. The officer assigned to such investigation shall be furnished with the application form submitted by the applicant, or a copy thereof, and D.P.S. Form 1-A Release of Information. Upon completion of the investigation, the officer shall return said application through his commanding officer to department headquarters, together with a report of investigation and D.P.S. Form 1-A, in conformance with the provisions contained herein.

1.04 Out of State - In the event an out of state agency refuses to cooperate in the background investigation of the applicant, the Department may send a member to that jurisdiction to complete the background investigation. The expense will be borne by the Department of Public Safety. However, all applicants must have a favorable background investigation and satisfactorily complete the physical, medical, and mental examinations prior to enlistment.

1.05 The report of investigation (Form 17 D.P.S.) will show the usual data in the ruled space at the top thereof, and under "Subject of Investigation" the investigator will use this title "Application for membership in the Department of Public Safety." The additional headings to be used in the report shall be as follows:

(a) Name and address of applicant: Under this heading show full name, if a married female applicant, also maiden name, residence address, business address and telephone number of applicant. List all former addresses and dates of residency. Comment on former addresses if different than those listed on application, D.P.S. Form 1.

(b) Date and Place of birth: Ascertain the exact date applicant was born, also the place of birth, naming the post office or town, county and state.

(c) Occupation: Ascertain at what trade, business or profession applicant has worked and the experience or training he/she has had to qualify him/her for such work.

(d) Marital Status: Determine whether applicant is married, divorced, single, or widowed. If married, is he/she living with his/her spouse, or are they separated? What was his wife's maiden name? How many children or other dependents does applicant have, and what are their names and ages? Is he/she adequately supporting his/her dependents? Has applicant and spouse had any serious marital difficulties, if so, what was the nature and outcome of such difficulties? The conduct and morality of the

applicant and spouse will be thoroughly investigated. The spouse will be interviewed personally not in the presence of the applicant. A visit will be made to the home when the applicant and spouse are both present to observe the conditions therein.

(e) Education: The name and location of elementary schools, middle schools, high schools, colleges and universities attended by the applicant should be ascertained. Obtain transcript of college and/or high school grades. Information on the students attitude if available should be obtained. Any special schooling or training which he/she has received will be included under this heading.

(f) Organizational membership: List all organizations and societies past and present, which the applicant is or has been affiliated. Indicate his/her present status or standing in each of the organizations listed.

(g) Military experience: In what military organizations did the applicant serve? What is the present military reserve or national guard status and the obligation to these organizations? What grade or rank did he/she attain and what awards or citations did he/she receive?

(h) Employment: List in order of employment all organizations, firms or individuals for whom applicant has worked, and the type of work and wages received since graduating from high school or attaining eighteen(18) years of age, which-

ever shall have first occurred. Ascertain from his/her employer(s) current and former, whether his/her work was satisfactory or not. In this connection, his/her immediate supervisor should be interviewed to determine whether he/she was a satisfactory employee and eligible for rehiring. If applicant has ever held a position as a law enforcement officer, full details will be determined including his/her certification date. Applicant's social security number will also be listed.

(i) Personal history: A thorough investigation shall be made to determine if applicant has a criminal record. Local court records and police files will be checked in connection with such investigation. What is the reputation and standing in the community of applicant's close friends and associates? Ascertain if applicant pays his/her debts or has ever filed bankruptcy proceedings. Business concerns and credit bureaus will be checked for this purpose. Ascertain if applicant uses intoxicants and to what extent. Does the applicant participate in the illegal use of controlled substances. What hobbies does applicant have, and how does he/she spend his/her leisure time? Does applicant frequent places of questionable reputation during his/her leisure hours? What is his/her general reputation in his/her home community?

Does applicant own an automobile or other motor vehicle? If so, give the make and current license number. What is his/her operator's or chauffeur's permit number? Check to ascertain if he/she has been involved in any serious accidents which resulted in serious injury, civil litigation, or criminal proceedings.

(j) Family history: Give name of father and mother, including mother's maiden name. List names of brothers and sisters. Do all of the members of his/her immediate family bear a good reputation in their home community? If any members of applicant's immediate family are now serving a jail or prison sentence, or if any of them has ever been sentenced to jail or prison, full particulars should be given. Any evidence of mental illness in the applicant's immediate family should be thoroughly investigated.

(k) Interview with references: All persons listed as references should be interviewed and a brief statement taken regarding what they know about the applicant, length of acquaintance, his/her moral character, honesty reliability and personal habits. Persons other than references who are acquainted with the applicant should be interviewed and their statements taken.

(l) Interview with applicant: The applicant should be interviewed privately. A complete personal description should be taken and included in the report of investigation.

The investigating officer should give particular attention to the applicant's personal appearance, attitude, bearing self confidence, use of English, tone of voice and personality traits, and report his/her findings under this heading in detail.

Note any change in physical condition that has occurred to the applicant subsequent to the screening examinations; e.g. broken leg, etc.

The applicant should be asked why he/she wants to become a member of the Department and why he/she thinks he/she may be qualified. His/Her answers should be carefully noted and included in the Report of Investigation.

The applicant and spouse must be informed in writing (printed form) that he/she can be transferred, and that members are likely to be stationed or transferred to any place within the State. He/She should also be informed that members are subject to duty twenty-four(24) hours per day. The investigating officer should offer neither encouragement nor discouragement to the applicant. The applicant should be informed that the background investigation being conducted is a routine matter and does not necessarily mean that he/she will be enlisted as a member of the Department.

(m) Veracity of application: The investigating officer should compare the statements made in the application with information secured during the investigation to determine if there are any discrepancies. If any are found, they should be reported under the heading.

(n) Recommendation: The investigating officer will make a favorable or non favorable recommendation for continuing the selection process. The investigator will not permit his/her recommendation to be influenced by anyone; but will consider the applicant's qualification or lack of qualifications, and will reach a decision which he/she honestly and conscientiously believes to be in the best interests of the Department and the citizens of the State.

1.06 An oral interview by a board of Department of Public Safety officers composed of a least three(3) members, one being a commissioned officer, will be conducted. The interview is to appraise the personal appearance, traits, bearing, expression, poise, mannerism, attitude, forcefulness, temperament, disposition, speech, voice, and other characteristics which affect his/her fitness for membership in the Department. The board will complete an oral interview appraisal report recommending to the Cadet Selection Board approval or rejection of each applicant. The decision of the board will be final, but will not preclude the Superintendent from reinvestigating the application upon the discovery of new evidence or circumstances.

(a) The cadet selection board will submit its recommended list of applicants based on Departmental needs as outlined by the Superintendent in his instructions.

1.07 The cadet selection board will recommend to the Superintendent a list of eligible applicants who shall be invited for psychological testing. The Cadet Selection Board shall provide the Superintendent with a list of suitable candidates in order of merit. Those applicants psychologically acceptable will be invited for a physical examination by the Department physician.

1.08 After the enlistment of an applicant has been directed by the Superintendent, enlistment papers, application for bond, personnel record and special orders shall be prepared by the personnel officer.

1.09 When new members are enlisted, they shall be assigned to the training academy and will be under the supervision of the commandant of training and subject to all rules and regulations of the training academy until the prescribed cadet training course has been completed. It shall be the duty of the commandant of training to keep an accurate record of each new member assigned to the academy and to submit a copy of such records to the Superintendent at the completion of each training course. The commandant shall also submit to the Superintendent a graduation order of merit, listing each student in the class in order of his final grade average. The commandant may recommend the discharge of any cadet who fails to adhere to the State Police Academy or Department Rules and Regulations.

1.10 The cadet training course will cover a period of at least twenty-two (22) weeks and shall include a curriculum prepared by the commandant of training and approved by the Superintendent. This shall not prevent the Superintendent from enlisting a Cadet to meet operational needs and requiring him/her to attend the Basic Police Training Program.

1.11 The commandant shall prepare rules and regulations governing the operation of the training academy and the conduct of members while assigned to the academy and submit the same to the Superintendent for approval.

1.12 Newly enlisted members will be furnished meals and lodging during the cadet training course and will not be entitled to subsistence pay.

1.13 When a new member of the Department has completed the cadet training course and has been assigned to field duty, it shall be the responsibility of his commanding officer to assign a field training officer of his command to counsel, instruct and supervise the new member in the performance of his duties. During the field training period of twelve(12) months the member shall be on probation. At the completion of six, and twelve months service in the field, the commanding officer shall submit to the Superintendent an evaluation report of the probationary member's attitude, interest in work, industriousness, capabilities in patrol, investigative skills, court appearances, quality of reports, and relationship with the public.

Normally a newly enlisted member will not be assigned to field duty prior to his/her completion of the cadet training course; however, is at the discretion of the Superintendent a newly enlisted member is assigned a duty, a bi-monthly progress letter will be submitted by his/her supervisor. A newly enlisted member may be assigned to field duty, but must commence his/her training in compliance with the mandatory training law.

1.14 Mental qualification: The applicant must be free of any mental illness and shall be emotionally stable as determined by a competent psychiatrist. He/She must never have been treated for any mental derangement or abnormality, and must not have been a patient in any institution for treatment as a mental patient.

RESPONSIBILITIES AND DUTIES OF CADET SELECTION BOARD

1:01 The Cadet Selection Board shall establish that each applicant is over the age of 21 and has not reached their 30th birthday, high school graduate, of good moral character, and possesses a valid driver's license.

1:02 The Cadet Selection Board has established the following selection requirements:

- a. Academic Requirements - A composite score of 70, based on the Observation Test and Police Adaptability Examination shall be considered passing. A large number of applicants in this screening process will require the Cadet Selection Board to establish a cutoff point for investigation of prospective applicants.
- b. Preference - 15-2-7 of the Code of West Virginia provides that preference be given to honorably discharged veterans. The Cadet Selection Board has established that a veteran shall be considered to be a person who has served in the armed forces of the United States for a regular tour of duty and has been Honorably Discharged. Five(5) points will be added to the composite score of honorably discharged veterans prior to establishing a cutoff list of eligible applicants.

Residents - 15-2-7 of the Code of West Virginia has provided that preference be given to residents of the State of West Virginia. To be given that preference the applicant must

b. Residents (continued)

be a citizen of the United States and (a) have been born in West Virginia or (b) have been legal residents of, or domiciled in West Virginia for at least one(1) year immediately prior to the date of examination, or (c) have maintained a legal residence and domicile in West Virginia for at least ten(10) years of his/her life, provided change to another state was made no earlier than one(1) year prior to the date of examination. Applicants that are considered to be residents shall be allowed five(5) points. The list of applicants above the cutoff will be submitted to the Superintendent for background investigation.

c. Form Letters - The letter concerning progress throughout the selection process shall be signed by the Personnel Director. The final selection letter shall be signed by the Superintendent.

d. List Below Cutoff - The Cadet Selection Board shall establish a list of applicants that are below the cutoff score. The applicants should be advised by correspondence that they have not been selected and why. The list shall be maintained until the next selection process and they should be invited back to be retested if they have expressed an interest. In no event should an applicant be allowed to retake the mental examination more than two(2) times. If an individual selects to take the mental test a second time, only that score shall count as part of the selection process. The first score should remain in file for the purpose of establishing that the individual has been previously tested. The results of all examinations shall be maintained by the personnel officer.

- e. Applicants for Investigation - A formula (for example 5 x Vacancies = Applications to Field) should be established as a minimum number of applications to be sent to the field for a background investigation. A teletype should be sent to all Company Commanders, District Commanders, and Detachment Commanders establishing instruction regarding background investigations as well as the due date of return.

1:03 Background Investigation Complete

- a. Review - The Cadet Selection Board shall meet and be allowed sufficient time to review all background investigation reports. The Cadet Selection Board shall have the authority to approve or disapprove and resolve any questions concerning the background of any applicant. The background investigation shall be conducted in adherence to any special instructions and the Field Operations Manual.
- b. Letters to Applicants - The Cadet Selection Board shall submit a list of names to the Superintendent of applicants that should be invited back to appear before an Oral Interview Board. Two(2) days should be established as the date for applicants to appear and applicants should be invited at a specific time on a specific date.
- c. Oral Interview Board - Oral Interview Board(s) depending on the number of applicants should be selected and each Board shall consist of one(1) commissioned officer, one(1) corporal or sergeant, and one(1) trooper. The Oral Interview Board will be given a training session prior to the Oral Interview Board

c. Oral Interview Board (continued)

convening. The Oral Interview Board will be given a list of guidelines to follow. The Oral Interview Board should appraise the personal appearance traits, bearing, expression, poise, mannerism, attitude, forcefulness, temperament, disposition, speech, voice, and other characteristics which affect his/her fitness for membership in the Department. The Oral Interview Board will give an unbiased report on each applicant interviewed and they will not be provided any prior knowledge of the individual. The Cadet Selection Board should submit a list of recommended applicants to the Superintendent to be considered for the Oral Interview Board. The Cadet Selection Board shall review the evaluations of the Oral Interview Board and approve or disapprove its recommendation.

- d. A list of applicants that have successfully completed the oral interview shall be submitted to the Superintendent. The applicants that were not successful before the Oral Interview Board should be sent a letter stating that they were unsuccessful in that area. The notes by the Oral Interview Board should be sent to the Personnel Officer to be placed in individual files of unsuccessful applicants.

1:04 Psychological Evaluation - The applicants should be sent a letter inviting them to come to the Academy for psychological evaluation.

1:05 Cadet Selection Board Review of Psychological Evaluations - The Cadet Selection Board shall establish a date approximately thirty (30) days from the evaluation period to evaluate the results of all psychological evaluation reports. The Cadet Selection Board shall approve or disapprove applicants and submit a list of successful applicants to the Superintendent. A letter should be sent to applicants who were successful as well as those that were unsuccessful in this area from the Personnel Officer. The reports should be forwarded to the Personnel Officer.

1:06 Physical Examination - A letter of correspondence should be sent to the successful applicants inviting them in for a physical examination by a physician selected by the Superintendent. The physical examination will normally take two(2) days. The Retirement Board of the Department of Public Safety is charged by law with the promulgation of regulations governing the physical standards to be met by applicants for membership in the Department. The Cadet Selection Board shall adopt the regulations governing physical standards policy of the Department of Public Safety Retirement Board.

The Cadet Selection Board shall prepare a list of eligible candidates to be submitted to the Superintendent as prescribed by 15-2-7 of the Code of West Virginia. A letter notifying the candidates of their selection containing such pertinent information such as time, place, and reporting date.



Department of Public Safety
 (West Virginia State Police)
 South Charleston, West Virginia 25309

John A. Rockefeller III
 Governor

Executive Office
 M*E*M*O*R*A*N*D*U*M

Colonel John M. O'Rourke
 Superintendent

TO: CADET SELECTION BOARD
 FROM: LIEUTENANT R.A. PERRY, SECRETARY - RETIREMENT BOARD
 DATE: March 28, 1984
 SUBJECT: REGULATIONS GOVERNING THE PHYSICAL STANDARDS TO BE MET BY
 APPLICANTS FOR MEMBERSHIP INTO THE DEPARTMENT OF PUBLIC SAFETY

Under the provisions of Chapter 15, Article 2, Section 7C, of the Code of West Virginia, the attached Regulations governing the Physical Standards to be met by applicants for enlistment in the West Virginia Department of Public Safety are hereby established by the Retirement Board.

These Regulations promulgated by the Retirement Board supersede all previous regulations issued by the Retirement Board.

RETIREMENT BOARD

Chamney H. Browning
 Attorney General

John M. O'Rourke (Chairman)
 Superintendent, Department of
 Public Safety

Louis B. ...
 State Treasurer

[Signature] (Secretary)
 Member, Department of Public Safety

[Signature]
 Member, Department of Public Safety

CADET SELECTION
PHYSICAL QUALIFICATIONS

Pursuant to the provisions of Chapter 15, Article 2, Section 7(c) of the Code of West Virginia, as amended, any person, prior to his/her enlistment in the Department of Public Safety, shall be required to successfully pass the following Medical Screening/Physical Fitness Evaluation examination as promulgated by the Department of Public Safety Retirement Board established in accordance with the provisions of Chapter 15, Article 2, Section 26 of the Code of West Virginia, as amended:

GENERAL

1.01 No person discharged from or refused enlistment in the armed forces of the United States for reasons of physical disability shall be enlisted as a member of the Department of Public Safety.

1.02 No person currently receiving compensation from the United States Government as the result of any physical impairment contracted while serving as a member of the armed forces of the United States shall be enlisted as a member of the Department of Public Safety.

1.03 No person who is currently receiving compensation from any source due to sustainment of any physical impairment shall be enlisted as a member of the Department of Public Safety.

1.04 No person who fails to successfully pass the following Medical Screening/Physical Fitness Evaluation examination or any portion thereof shall be enlisted as a member of the Department of

Public Safety. The Superintendent may, at his discretion, upon consultation with qualified medical and/or physical fitness authorities, waive medical and/or physical fitness disqualifications of a temporary nature and/or borderline medical and/or physical fitness disqualifications of a minor nature as determined by qualified medical and/or physical fitness authorities.

MEDICAL SCREENING/PHYSICAL FITNESS EVALUATION

2.01 The Medical Screening phase of the examination shall include the following:

- (1) A comprehensive medical history questionnaire covering family health history and current health habits such as smoking, alcohol intake, physical activity, and medication. Special emphasis shall be placed on primary factors associated with coronary heart disease (CHD), i.e., high blood pressure, smoking, high blood fat levels (cholesterol and triglycerides), obesity, physical inactivity, and family history of CHD.

No person whose composite Coronary Heart Disease Risk Factor Analysis score exceeds 28 points shall be enlisted as a member of the Department of Public Safety.

- (2) General Appearance

Applicants shall be free from any marked deformity and from all parasitic or systemic skin disease.

(3) Sight

Applicants shall be free from color recognition deficiencies, chronic inflammation of the eye lids, and/or permanent abnormalities of either eye.

Applicants shall possess visual acuity of 20/40 without corrective lens (each eye shall be tested separately) correctable to a binocular vision of 20/20; peripheral vision of seventy (70) degrees or more (each eye to be tested separately); a glare recovery rate of four (4) seconds or less; and the ability to recover from night blindness in three (3) seconds or less.

(4) Hearing

Applicants shall possess normal hearing in each ear. Applicants' hearing shall be electronically tested over a series of normal speech range frequencies (250, 500, 750, 1000, and 2000 kilocycles). Each ear will be tested separately. The intensity of the tones heard will be measured in decibels. In the event that the test discloses a hearing loss of fifteen (15) or more decibels on any two of the specified speech range frequencies, the applicant shall be rejected. Applicants thus rejected may, if they so desire, seek, at their own expense, a second opinion as to the degree of hearing loss. In the event that such secondary expert opinion indicates a hearing loss of less than fifteen (15) decibels, the applicant shall be reconsidered for enlistment.

(5) Examination of Nose, Mouth, Teeth, Gums, and Tongue

Applicants shall possess no obstructions to normal free-breathing nor suffer from chronic catarrh. The mouth shall be free from any deformity which might interfere with distinct speech patterns. Tonsils and thyroids shall be free from disease and enlargement. Teeth shall be clean, in good repair, well cared for, and so aligned as to present a favorable appearance.

(6) Respiratory System

Applicants shall possess full and easy regular respiration. Applicants' chests shall be x-rayed and all chest cavity organs shall be judged as normal. The respiratory system shall be free of disease. There shall be no marked chest wall deformities. Each applicant shall be required to pass a pulmonary function test (passing score - 70% or more).

(7) Circulatory System

An electrocardiogram shall be administered to all applicants. All heart functions shall be clinically and electrocardiographically normal. The resting pulse rate shall be normal and regular. Blood pressure shall not exceed 135/90. Temperature shall be normal. A chemical analysis of the blood shall be performed. Such analysis shall include blood count, indices, differential, mark hycel 17 or comparable test, and V.D.R.L. Any indication of syphilis, as determined

by the V.D.R.L., Wasserman, and/or Kahn blood test, shall be grounds for rejection. Applicants shall be free from varicose veins and/or any marked tendency toward their formation.

(8) Genito-Urinary

Applicants shall submit a routine urinary specimen. Reproductive organs shall be free from any disease or marked deformities. There shall be no hydroceles, varicoceles, or other possible problem causing abnormalities.

(9) Hemorrhoids

Applicants shall be totally free from hemorrhoids and/or any marked tendency toward their formation. There shall be no pilonidal cysts or sinuses present.

(10) Hernia

Applicants shall be totally free from hernia with no marked potential hernia present.

(11) Extremities and Joints

Applicants shall be free from affections of the joints, stiffness, malformations, arthritis, or other conditions such as hammertoes which might prevent the proper performance of assigned duties. All fingers, thumbs, and toes shall be present in their entirety.

(12) Nervous System

The applicant's nervous system shall be normal in all regards with no evidence of tremors or other nervous disorders. There shall be no evidence of epilepsy.

(13) Kidneys

The kidneys shall be healthy and shall function in a normal manner.

(14) Abdomen

The abdomen shall be free of clinical abnormalities.

(15) Such other tests as may be directed by the department physician.

2.02 The Physical Fitness Evaluation phase of the examination shall include the following:

- (1) A Physical Aptitude Test (PAT) consisting of four (4) events:
 - (a) Pull-Ups (Males) - Flexed Arm Hang (Females)
 - (b) Standing Long Jump
 - (c) Modified Basketball Throw
 - (d) 300 Yard Shuttle Run

In order to be eligible for continued consideration for enlistment, applicants must score a minimum of 150 composite points on the Physical Aptitude Test.

- (2) Determination of cardiovascular-respiratory fitness through utilization of a graded, multistage treadmill equipped with an exercise 12-lead EKG and a metabolic measure.

In order to be eligible for continued consideration for enlistment, applicants must achieve the following minimum score:

Male Applicants - 42

Female Applicants - 34

- (3) Determination of muscular strength and muscular endurance through utilization of a Cybex Machine.

In order to be eligible for continued consideration for enlistment, applicants must be free from any marked deficiency in either muscular strength or muscular endurance.

- (4) Determination of flexibility through utilization of a Leighton Flexometer.

In order to be eligible for continued consideration for enlistment, applicants must be free from any marked deficiency in flexibility.

- (5) Determination of body composition through utilization of Hydrostatic Weighing.

In accordance with established departmental policy and procedure, male applicants whose percent body fat exceeds twenty percent (20%) shall be rejected as shall female applicants whose percent body fat exceeds twenty-four percent (24%).

JUSTIFICATION

MEMBERS TESTED TO DATE - AGE 21 to 29, INCLUSIVE

MALE MEMBERS

NUMBER TESTED	47
AVERAGE MAX VO ₂ /KG/MIN	45.4
AVERAGE PERCENT BODY FAT	15.6
AVERAGE TOTAL SCORE - CORONARY RISK FACTOR ANALYSIS ...	13.9

FEMALE MEMBERS

NUMBER TESTED	4
AVERAGE MAX VO ₂ /KG/MIN	38.8
AVERAGE PERCENT BODY FAT	21.5
AVERAGE TOTAL SCORE - CORONARY RISK FACTOR ANALYSIS ...	10.3

Sec. 8.00--Promotion Evaluation Board

- (a) This section relates to West Virginia Code 15-2-9.
- (b) The Superintendent shall appoint a Promotion Evaluation Board representative of the commissioned and noncommissioned officers within the department.
- (c) The Promotion Evaluation Board shall consist of not fewer than three members. The highest ranking member shall serve as the board chairman. Each member shall have equal voting privileges and all actions of the board shall be by majority decision. The chairman shall appoint a non-board member to serve as a non-voting recorder.
- (e) Before the Promotion Evaluation Board assumes its duties, the Superintendent shall administer the following oath to each board member:
- "I, _____, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform the duties hereby imposed upon me and further that I will not divulge the proceedings or results of this Promotion Evaluation Board except by proper authority."
- The chairman shall administer the afore oath to the recorder.
- (f) The Superintendent shall furnish the Promotion Evaluation Board with a list of positions to which recommended eligible members will receive promotional consideration. The Superintendent will also inform the board of current and projected operational needs of the department and any specialized skills and/or

knowledge deemed necessary to the proper fulfillment of the duties and responsibilities of the position(s) under consideration as well as any other guidelines deemed appropriate under the circumstances of each position.

(g) The Promotion Evaluation Board shall prescribe and record merit standards for promotion.

(h) In regard to field promotions, the Promotion Evaluation Board shall transmit to each company commander a list of field positions under consideration and prescribed merit standards. Each field company commander shall submit to the Promotion Evaluation Board the names of members recommended in accordance with applicable merit standards for promotional consideration to the field positions of Trooper First Class, Corporal, Sergeant, First Sergeant, and Lieutenant. Headquarters senior staff may also submit recommendations for field promotion. Recommendations shall be accompanied by written justification.

(i) In regard to staff services and/or headquarters promotions, the senior staff shall submit to the Promotion Evaluation Board the names of members recommended in accordance with applicable merit standards prescribed by the Promotion Evaluation Board as pertaining to staff services and/or headquarters positions. Recommendations shall be accompanied by written justification.

(j) The Promotion Evaluation Board shall evaluate recommended eligible members according to the prescribed merit standards and submit to the Superintendent a ranked listing of members recommended and eligible for promotional consideration. Said ranked listing shall be affirmed as follows:

"The Promotion Evaluation Board, acting under oath and having considered the operational needs of the department; applicable specialized skills and/or knowledge required of the position(s) under consideration; and the individual merits of members recommended and eligible for promotional consideration, finds, by majority decision, the member(s) named on the attached ranked listing(s) best qualified to assume the duties and responsibilities of the position(s) indicated and recommend said member(s) be considered for promotion to the indicated position(s)."

(k) The Promotion Evaluation Board shall be dismissed, either orally or in writing, by the Superintendent.

(l) Pursuant to the provisions of West Virginia Code 15-2-9, the Superintendent shall promote one of the top three candidates from the list(s) established by the Promotion Evaluation Board to the position(s) under consideration. Said list so established shall expire by order of the Superintendent or upon filling the positions under consideration.

Sec. 9.00--Rules of Conduct

(a) This section lists activities or conduct prohibited to Department members. This section relates to West Virginia Code 15-2-25. If a section of the West Virginia Code more specifically relates to a subsection, such section will follow the subsection.

(b) Using any weapon which has not been authorized for use.
15-2-10(b).

(c) Using any law-enforcement equipment which has not been authorized for use. 15-2-10(b).

(d) Alter or change any issued equipment without proper authority.

(e) Serving civil process. 15-2-12(b)(2).

(f) Aiding or assisting either party in any labor trouble or dispute between employer and employee except for the enforcement in a legal way and manner, the statutes and laws of West Virginia. 15-2-13.

(g) No member may in any way interfere with the rights or property of any person, except for the prevention of crime.
15-2-13.

(h) No member shall refuse to obey a lawful order of his superior officer, irrespective of whether such superior officer shall be a commissioned officer, non-commissioned officer or member of the department senior to himself. Refusal is defined as follows:

(1) Violating or failing to obey any lawful order or regulation;

(2) Failing to obey any lawful order or regulation which it is his duty to perform; or,

(3) Being derelict in the performance of any lawful order or regulation.

(i) Except as authorized by regulation, law or in the performance of their duty, no member will use, possess, sell, transfer, manufacture, deliver or possess with intent to manufacture or deliver any of the controlled substances listed in Chapter 60A of the West Virginia Code or Section 812, Title 21, of the United States Code.

The prohibitions contained in this subsection shall also apply to counterfeit substances. The definition of counterfeit substance contained in Chapter 60A of the West Virginia Code will apply to this subsection.

(j) No member shall knowingly and intentionally violate the laws of the United States or the State of West Virginia.

(k) Drinking an alcoholic beverage while in uniform.

(l) While in uniform having the odor of an alcoholic beverage on his breath.

(m) Appearing for or while on duty being under the influence of alcohol.

(n) Misusing or abusing: any controlled substance which a member is legally in possession of; or an over-the-counter type medication or drug to a degree which renders the member incapable of performing his duty.

(o) Negligent performance of duty. Negligent performance of duty includes the following:

- (1) Failure to notify a commander or superior officer that the member did not perform a certain duty;
- (2) Failure to perform an assigned or required duty promptly, efficiently, and properly;
- (3) Negligently damaging, destroying or losing Department or West Virginia state property. 15-2-21.
- (4) Allowing a prisoner, arrestee, suspect or anyone under a member's control and custody to escape.

(p) Willful failure to perform duties. The omission is willful when the failure is with full knowledge of the duty and an intention not to perform it.

(q) Malingering. Malingering means feigning illness, physical disability, mental lapse or derangement, or intentionally inflicting self-injury for the purpose of avoiding work, duty or service.

(r) Accepting gratuities. Members will not solicit, demand or receive or agree to receive any money, thing of value or gratuity from any person, partnership, firm or corporation as a consideration for the performance of or the failure to perform

his duties under provisions of law, Department regulations, memoranda, policies and/or procedures. 15-2-18.

(s) No member shall convert property of the State of West Virginia through a negligent or willful act. Convert means:

- (1) To sell or otherwise dispose of;
- (2) To willfully or negligently damage, destroy or lose;
- (3) To suffer to be lost, damaged, destroyed, sold or wrongfully disposed of.

(t) No member shall be employed by any person, firm, partnership, corporation or business entity as a personal guard or to guard private property. 15-2-18.

(u) Absent without proper authority. Absent means every instance in which a member of the Department is, through his own fault, not at the place where he is required to be or not performing the duties he is required to perform, at a prescribed time. 15-2-21.

(v) Except as provided by law, regulation and in the necessary discharge of official duties, members will not release or divulge to any individual, firm, partnership, corporation, business entity, federal or state agency, their employees, or agents, photographs, fingerprints, records, documents, or other information obtained during a criminal investigation. 15-2-24.

(w) No member may be detailed or ordered to duty at or within sixty (60) feet of any polling place where an election or convention is held on the day of the election or convention, nor shall any member remain in or within sixty (60) feet of the polling place or place of convention, except to cast his vote.

After voting the member shall forthwith retire from such voting precinct. The prohibitions contained in this subsection may be suspended only by the superintendent, acting superintendent, a company commander or acting company commander for the purpose of protecting life, property or enforcing federal or state law. No member may act as an election official. 15-2-13.

(x) No member of the department may at any time participate in any political party caucus, committee, primary, assembly or convention, or in any general or special election, except to cast his ballot. 15-2-13.

(y) No member of the department may in any way become active or take part in any political contest. Thus the following political activities are prohibited:

- (1) Holding a party office;
- (2) Working at the polls;
- (3) Acting as a party paymaster for other party workers;
- (4) Organizing a political party or club;
- (5) Actively participating in fund-raising activities for a partisan candidate or political party;
- (6) Becoming a partisan candidate for, or campaigning for, an elective public office;
- (7) Actively managing the campaign of a partisan candidate for public office;

(8) Initiating or circulating a partisan nominating petition or soliciting votes (i.e., campaigning) for a partisan candidate for public office; and

(9) Serving as a delegate, alternate or a proxy to a political party convention. 15-2-13.

(z) No member shall abuse the authority vested in him by law, order or regulation. Abuse of authority means:

(1) Failure to deal with the public in a courteous, kind, patient and respectful manner;

(2) Failure to discharge duties in an impartial manner;

(3) Knowingly and willfully disclosing confidential business of the department to individuals not authorized to receive such information;

(4) Signing any record, return, regulation, order, or other document, knowing it to be false;

(5) Knowingly making any false statement.

(aa) No member shall strike, draw or lift up any weapon or offer any violence against a member of the Department, except in self-defense.

(bb) Conduct unbecoming an officer. (1) On-duty conduct (2) which specially relates to and affects the administration of the Department and (3) which is of a substantial nature directly affecting the rights and interests of the public. See, Appendix A.

(cc) Gross misconduct. (1) Misconduct which occurs off-duty; (2) is of a substantial nature; and (3) affects directly the rights and interests of the public by bearing directly in a substantial manner on the duties which the employee is required to discharge.

Thus, a member is protected against frivolous, trivial, and inconsequential charges; or charges based on conduct which has no rational nexus with the duties to be performed or the rights and interests of the public.

Sec. 10.00--Penalties for Misconduct

(a) This section relates to West Virginia Code 15-2-21 and 15-2-25.

(b) The Superintendent may issue a letter of reprimand, suspend with or without pay, demote in rank, or discharge from the service any member of the Department of Public Safety in accordance with the applicable section of Chapter 15, Article 2, of the Code of West Virginia and any applicable rule(s) or regulation(s).

(c) A member may appeal the order of suspension, demotion in rank or discharge in accordance with the provisions of West Virginia Code 15-2-6.

Sec. 11.00--Overtime Compensation

(a) This section relates to West Virginia Code 15-2-5.

(b) The standard work month for the Department of Public Safety shall consist of 181 hours.

(c) Members of the Department of Public Safety, with the exception of the Superintendent and civilian employees, shall receive the following percentages of the maximum supplement for the equivalent number of hours worked in excess of the standard work month:

<u>EXCESS</u>	<u>TOTAL MONTHLY</u>	
1 - 5 hours	182 to and incl. 186	25%
6 - 10 hours	187 to & incl. 191	50%
11 - 15 hours	192 to & incl. 196	75%
16 or more hours	197 or more	100%

(d) Credit for a normal workday of 8.5 hours shall be given in computing the number of hours worked per month for any legal holiday or compensatory day in lieu thereof, any day of sick, emergency or annual leave taken within the month for which the computation is made. Credit for a normal workday shall not be given for customary days off duty or for any make-up days in lieu thereof.

(e) Personal knowledge and/or individual monthly activity reports shall serve as the basis for the Superintendent's monthly certification of those members who are eligible for receipt of the monthly supplement set forth above.

APPENDIX A

The following are examples of conduct which justified disciplinary action.

(1) A deputy sheriff used offensive language in the presence of members of an ambulance service wholly without justification; unnecessarily threatened to impose criminal penalties upon the driver of the ambulance; and, the deputy used excessive physical force and personal abuse in the arrest of an individual initially stopped for an alleged traffic violation. (Deputy dismissed)

(2) Deputy sheriff: kicked and knocked down a handcuffed subject; hit an individual with a slap across the side of the face and the head. (Deputy dismissed)