



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

Executive Office

Arch A. Moore, Jr.  
Governor

Colonel W. F. Donohoe  
Superintendent

NOTICE OF PUBLIC HEARING AND COMMENT

PERIOD ON A PROPOSED RULE

PUBLIC HEARING

AGENCY: DEPARTMENT OF PUBLIC SAFETY  
RULE TYPE: EMERGENCY RULE  
RULE TITLE: CHAPTER 15-2, Series 1, General Order #8  
Promotion Evaluation Board

A PUBLIC HEARING ON THE ABOVE PROPOSED RULE WILL BE HELD AT 10:00 A.M.  
ON July 9 1986 AT DEPARTMENT HEADQUARTERS, 725 JEFFERSON ROAD,  
SOUTH CHARLESTON, WEST VIRGINIA 25309.

COMMENTS ARE LIMITED TO: ORAL  WRITTEN  BOTH

COMMENTS MAY ALSO BE MAILED TO: DEPUTY SUPERINTENDENT, 725 JEFFERSON  
ROAD, SOUTH CHARLESTON, WEST VIRGINIA 25309 AND WILL BE ACCEPTED UNTIL  
CLOSE OF BUSINESS July 9, 1986.

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

COLONEL W. F. DONOHOE  
SUPERINTENDENT

SECRETARY OF STATE  
OFFICE OF STATE  
1986 MAY 30 PM 12:36  
FILED

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE May 30, 1986  
ADMINISTRATIVE LAW DIVISION

WEST VIRGINIA LEGISLATIVE RULE  
DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 15-2  
SERIES 1

Title: General Order Number Eight - Promotion Evaluation Board

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Section 1. General

1.1 Scope - This amended legislative rule re-establishes the Promotion Evaluation Board of the Department of Public Safety and specifies the process by which it shall function, and by which all permanent promotions in rank within the Department shall be achieved.

1.2 Authority & Related Code Citation(s) - W.Va. Code 15-2-9, and W.Va. Code 15-2-25.

1.3 Filing Date

1.4 Effective Date

1.5 Repeal of Former Rule - This emergency legislative rule repeals by amendment West Virginia legislative rule, Department of Public Safety, Chapter 15-2, Series I, Section 8, filed July 10, 1984.

Section 8.0 Promotion Evaluation Board

8.1 This section relates to West Virginia Code 15-2-9.

8.2 The Superintendent shall appoint a Promotion Evaluation Board representative of the commissioned and non-commissioned officers within the department. Each Board shall serve for a term of six months from the date of appointment and any Board member may, at the Superintendent's discretion, serve on consecutive Boards. Board members may be replaced during their tenure on the Board if they become unable to serve because of disability, poor health, promotion resulting in imbalance on the Board, or such other good cause coming to the attention of the Superintendent.

8.3 The Promotion Evaluation Board shall consist of not fewer than three members. The highest ranking member shall serve as Board Chairman. Each Board 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.

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8.4 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.

8.5 The Superintendent shall furnish the Promotion Evaluation Board with a list of positions ranks to which recommended eligible members will are to receive promotional consideration. The Superintendent will also inform the Board of current and projected operational needs of the department and the expected assignment of ranks and any specialized skills and/or knowledge deemed qualifications necessary to for the proper fulfillment of the duties and responsibilities of the positions expected assignments under consideration as well as any other guidelines deemed appropriate under the circumstances of each position.

8.6 The Promotion Evaluation Board shall prescribe and record merit standards for promotion to ranks specified by the Superintendent. Such merit standards shall reflect general requirements for duty in the rank to be promoted to and shall not reflect requirements for specific assignments after promotion. Merit standards for promotion to ranks, once prescribed by any Board, shall be furnished to the Superintendent and transmitted to each Company and Division and shall there be made available to any sworn member requesting same. The merit standards for any rank may be amended by any promotion Evaluation Board when and as they deem appropriate and upon amendment shall be in full force and effect. The Board may seek input from any source it deems appropriate in formulating and prescribing merit standards. Upon the reformulation, amendment, or ratification of existing merit standards, the Board shall apply such standards and determine to the extent reasonably possible, all eligible candidates and maintain lists of same.

8.7 In regard to field promotions The Promotion Evaluation Board shall transmit to Departmental senior staff, each company commander, the director of the Criminal Identification Bureau, the commandant of the Academy, and such other division commanders as the Board may direct, a list of field all promotions under consideration and appropriate merit standards. Each member field company commander so provided with said list shall submit to the Promotion Evaluation Board, the name of members recommended in accordance with applicable merit standards for promotional consideration to the field positions ranks of trooper first class, corporal, sergeant, first sergeant, and lieutenant. Headquarters senior staff may also submit recommendations for field promotions. Recommendations may shall be accompanied by written justification.

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8.8 In regard to headquarters and/or staff services 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 headquarters and/or staff services promotions. Recommendations shall be accompanied by written justification.

8.8 ~~8.9~~ The Promotion Evaluation Board shall evaluate recommended eligible members according to the current prescribed merit standards, the current and projected operational needs of the department, and any specialized skills, qualifications, and/or knowledge deemed necessary and previously communicated to the Board by the Superintendent for the proper fulfillment of the duties and responsibilities of the expected assignments of each rank, and submit to the Superintendent a ranked listing of members recommended and eligible for promotional consideration at least three names, where possible, of eligible members recommended by the Board for promotional consideration. The Board may consider any eligible candidate for promotional ranking, regardless of the recommendations received.

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; 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 rank(s) indicated and recommend said member(s) be considered for promotion to the indicated rank(s).

Said ranked list(s) so established shall be filed along with the current list of eligible candidates and shall be maintained by the current Board or successor Boards until such time as amended or relisted in new ranked order by authority of the Board.

8.9 ~~8.10~~ The Promotion Evaluation Board shall be ~~dismissed~~ adjourned, either orally or in writing by the Superintendent, until such time as he may reconvene the Board or a successor Board.

8.10 ~~8.11~~ Pursuant to the provisions of Chapter 15, Article 2, Section 9 of the Code of West Virginia, as amended, the Superintendent shall promote one of the top three candidates from the list(s) established by the Promotion

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Evaluation Board to the positions rank under consideration. Said list so established shall expire by order of the Superintendent or upon filling the positions under consideration. In the event the Superintendent determines that none of the top three candidates satisfy the requirements for promotion to the rank(s) under consideration, he shall not promote any candidate and may reconvene the current Board or its successor for reconsideration of the rank(s) in question.