

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Department of Public Safety TITLE NUMBER: 81

CITE AUTHORITY: 15-2-7

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Cadet Selection Board Guidelines

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The Cadet Selection Board, after reviewing the selection requirements, has made some changes in the mental and physical standards. The updated moves are for the betterment of the department and will enable the Cadet Selection Board to evaluate the applicants more efficiently.

Updated and validated tests have been purchased therefore a new grading system has been formulated.

The vision standards have been lowered to 20/70 from 20/40.

All changes comply with Chapter 15-2-7 of the West Virginia Code.

Use Additional Sheets If Necessary.

Carl P. Thompson
Personnel Director



Department of Public Safety
(West Virginia State Police)
725 Jefferson Road
South Charleston, West Virginia 25309
Executive Office

Gaston Caperton
Governor

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Colonel J. R. Buckalew
Superintendent

July 13, 1989

The Honorable Ken Hechler
Secretary of State
Building 1, 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 Cadet Selection Guidelines (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,

COLONEL J. R. BUCKALEW
SUPERINTENDENT

JRB:mdh

Enclosures

CADET SELECTION GUIDELINES

This selection is in relation to the West Virginia Code, Chapter 15, Article 2, Section 7.

- A. No applicant will be selected for enlistment until he/she shall have first filled out and submitted Form DPS-1 (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."

- B. The Superintendent shall establish within the Department of Public Safety a Cadet Selection Board which shall be representative of commissioned and noncommissioned officers within the Department.
- C. 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.
 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 re-enlisted 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.

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 passing score on the Observation Test and Police Adaptability Examination shall be required. 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 the residents of the State of West Virginia. To be given that preference the applicant must 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 re-tested 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 Director.

- E. Applicants for Investigation - A formula (for example $5 \times \text{Vacancies} = \text{Applications to Field}$) 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 Policy and Procedures 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 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 shall be provided a complete background investigation 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 Director to be placed in individual files of unsuccessful applicants.

1:04 Psychological Evaluation - The applicants should be sent a letter inviting them 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 Director. The reports should be forwarded to the Personnel Director.

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)
725 Jefferson Road
South Charleston, West Virginia 25309
Executive Office

Gaston Caperton
Governor

Colonel J. R. Buckalew
Superintendent

MEMORANDUM

DATE: July 13, 1989
TO: Cadet Selection Board
FROM: Colonel J. R. Buckalew, Chairman
Department of Public Safety Retirement Board
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

Attorney General

Superintendent, Department of
Public Safety

State Treasurer

Member, Department of Public
Safety

Member, Department of Public
Safety

CADET SELECTION
PHYSICAL QUALIFICATIONS

Pursuant to the provisions of Chapter 15, Article 2, Section 7C 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:
 - A. 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.

B. General Appearance

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

C. Sight

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

Applicants shall possess visual acuity of 20/70 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).

D. 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.

E. 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.

F. 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).

G. 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.

H. 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, varicoses, or other possible problem causing abnormalities.

I. 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.

J. Hernia

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

K. 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.

L. Nervous System

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

M. Kidneys

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

N. Abdomen

The abdomen shall be free of clinical abnormalities.

O. 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:

A. A Physical Aptitude Examination (PAE) consisting of four (4) events:

1. Pull-Ups (Males)
Flexed Arm Hang (Females)
2. Standing Long Jump
3. Modified Basketball Throw
4. 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 Examination.

B. 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

C. 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.

D. 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.

E. 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%).

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 examination, 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 14 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 is a pass/fail score; the observation test will given a weight of 5%; the ACT will given a weight of 50%; the physical aptitude test will be given a weight of 30%; and the oral interview will be given a weight of 15%.

- 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 DPS 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 DPS 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, mental, and polygraph examinations prior to enlistment.

1.05 The report of investigation (DPS Form 17-B) 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, DPS-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, whichever 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 re-hiring. If the 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.

- 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/her commanding officer to assign a field training officer of his/her command to counsel, instruct and supervise the new member in the performance of his duties. During the field training period of eleven (11) 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, if at the discretion of the Superintendent a newly enlisted member is assigned a duty, a bimonthly 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.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

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Executive Assistant

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Chief of Staff

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Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

September 25, 1989

Colonel J. R. Buckalew
Department of Public Safety
725 Jefferson Road
South Charleston, WV 25309

Dear Colonel Buckalew:

The Department of Public Safety filed on July 14, 1989, as an emergency rule, amendments to Series 2 -- "Cadet Selection Board Guidelines."

However, you did not file a notice for public comment period or public hearing within the sixty day period as Chapter 29A-3-15(a)(2). Therefore, your emergency rule expired on September 12, 1989.

Also, you will not be able to file this rule on an emergency basis in the future. You may, however, proceed with the rule, file for public comment, file with the Legislative Rule-Making Review Committee and let the Legislature pass this rule and it will become effective.

If I can help or if you have any further questions, you may contact me at 345-4000.

Sincerely,

Judy Cooper, Director
Administrative Law Division