



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

8/28/2024 10:40:03 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: State Police TITLE-SERIES: 81-03  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 81-03 West Virginia State Police Career Progression System

**PRIMARY CONTACT**

NAME: Brandolyn N Felton-Ernest  
ADDRESS: 1900 Kanawha Blvd E  
Bldg 1 Room W 400  
Charleston, WV 25305  
EMAIL: brandolyn.feltonernest@wv.gov  
PHONE NUMBER: 304-205-6834

CITE STATUTORY AUTHORITY: W. Va. Code 15-2-5 and 15-2-25

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code 15-2-5(b) states the "superintendent may propose legislative rules for promulgation in accordance with §29-A-3-1 et seq. of this code for the purpose of ensuring consistency, predictability, and independent review of any system developed under the provisions of this section." W. Va. Code 15-2-25 states the "superintendent shall promulgate a legislative rule in accordance with the provisions of chapter twenty-nine-a of this code, which rule shall prescribe requirements necessary for the issuance and continuance of the authority herein granted."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/29/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/28/2024

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule governs the process of all permanent promotions, all non-supervisory reclassifications, all administrative support specialist reclassifications, and all West Virginia State Police Forensic Laboratory reclassifications.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The updates to the rule are required for formatting and grammatical changes to be made and in subsection 4.1.d. the proposed rule is allowing the Superintendent to make allowances for specifically referenced members.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes  
 Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



TITLE 81  
LEGISLATIVE RULE  
WEST VIRGINIA STATE POLICE

SERIES 3  
WEST VIRGINIA STATE POLICE CAREER PROGRESSION SYSTEM

**§81-3-1. General.**

1.1. Scope. -- This rule governs the process for all permanent promotions, all non-supervisory reclassifications, all administrative support specialist reclassifications, and all West Virginia State Police Forensic Laboratory reclassifications.

1.2. Authority. -- W. Va. Code §§15-2-5, 15-2-25.

1.3. Filing Date. -- ~~April 15, 2022.~~

1.4. Effective Date. -- ~~April 15, 2022.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect after August 1, 2032~~5~~.

**§81-3-2. Definitions.**

2.1. "Accredited Educational Institution" means an institution of higher learning accredited by one of the following: Middle States Association of State Colleges and Schools, New England Association of Schools and Colleges, North Central Association of State Colleges and Schools, Northwest Association of State Colleges and Schools, Southern Association of State Colleges and Schools, Western Association of State Colleges and Schools.

2.2. "Employee" means any employee assigned to the West Virginia State Police Forensic Laboratory (WVSPFL) who is classified as an evidence custodian, forensic technician or forensic scientist; as well any supervisory employee who is classified as a forensic scientist supervisor.

2.3. "Forensic Laboratory Classification" means the grade or classification awarded to supervisory and non-supervisory employees assigned to the Forensic Laboratory under the West Virginia State Police Forensic Laboratory Classification System.

2.4. "General Knowledge Examination" means a written examination of general questions, relevant to the non-supervisory rank positions.

2.5. "Human Resources Director" means an employee of the State Police, designated by the Superintendent, who is responsible for the activities and operation of the State Police Human Resources Section.

2.6. "In-basket Exercise" means a practical examination that evaluates a candidate's written communication skills and/or ability to prioritize work and proofread and edit documents relevant to a supervisory rank position.

2.7. "Oral Assessment" means a practical examination that evaluates a candidate's oral communication skills through a structured interview and evaluation process.

2.8. "Permanent Rank" means that grade awarded to or achieved by a member within the Supervisory Field Promotional System, including the ranks of Sergeant, First Sergeant, Second Lieutenant and First Lieutenant.

2.9. "Petition for Reclassification" means a petition filed with the Promotional Standards Officer or the Human Resources Director, as appropriate, requesting that a member or employee be considered for reclassification.

2.10. "Post-secondary Educational Degree" means a certificate, diploma, or degree from an accredited educational institution affirming the successful completion of a course of study where a baccalaureate (bachelor's) degree, master's degree or doctorate degree is awarded for completion of a field of study: *Provided*, That hours of credit alone do not constitute a post-secondary educational degree. In order to receive credit for a post-secondary educational degree, the member must be awarded a degree by an accredited educational institution.

2.11. "Practical Examination" means an oral assessment or an in-basket evaluation that evaluates the candidate's ability to perform tasks relevant to a supervisory rank position.

2.12. "Promotional Cycle" means one complete series of events required to establish a rank ordered list of eligible promotional candidates within the Supervisory Field Promotional System.

2.13. "Member" means an employee of the State Police empowered under the provisions of W. Va. Code §15-2-12 with statewide law enforcement powers and who has taken and subscribed to the oath of office as required by W. Va. Code §15-2-14.

2.14. "Non-supervisory Rank" means the grade awarded to or achieved by a member within the Non-supervisory Rank Classification System, including the classifications of Trooper, Senior Trooper, Trooper First Class and Corporal.

2.15. "Request For Promotional Consideration" means a form filed with the Promotional Standards Officer expressing a member's intent to participate in a promotional cycle and listing those field operations positions that the member is willing to accept promotion.

2.16. "Senior Staff" means the 19 principle supervisory positions appointed by the Superintendent as authorized by W. Va. Code §15-2-4.

2.17. "Superintendent" means the Superintendent of the West Virginia State Police or his or her duly authorized agent.

2.18. "Support Specialist" means the temporary grade awarded to or achieved by a member within the Administrative Support Specialist Classification System, including the classifications of Support Specialist I-VIII. This temporary grade has no affect upon a member's permanent rank or non-supervisory rank classification.

2.19. "Time-In-Grade" means the period of time a member has held their present rank.

2.20. "Written Examination" means a series of multiple choice, true or false, or similar questions that evaluates a candidate's knowledge of policies, procedures and other directives relevant to a supervisory rank position.

### **§81-3-3. Career Progression System -- General Requirements.**

3.1. This rule is promulgated for the purpose of ensuring consistency, predictability and review of the West Virginia State Police Career Progression System as authorized by W. Va. Code §15-2-5.

3.2. The career progression system consists of the following four sub-systems:

3.2.a. The Supervisory Field Promotional System, a permanent rank system established to rank those members of the field operations force who desire to perform within designated supervisory positions within the field operations force and to provide a mechanism for the ranking and selection of individuals for promotion;

3.2.b. The Non-Supervisory Rank Classification System, a permanent classification system established to identify those members of the field operations force that meet minimum required levels in demonstrated job knowledge and Department tenure and to provide a series of progressive non-supervisory rank classifications for members who meet the minimum requirements;

3.2.c. The Administrative Support Specialist Classification System, a temporary classification system, established to identify those members who are permanently assigned to the field operations force or the forensic laboratory, who are designated by the Superintendent to occupy specific support positions and who have demonstrated proficiency in performing the duties and responsibilities of the support position and to provide a series of progressive administrative classifications; and

3.2.d. The West Virginia State Police Forensic Laboratory Classification System, a permanent classification system established to identify those employees of the West Virginia State Police Forensic Laboratory who meet minimum required levels in demonstrated job knowledge and laboratory tenure, and who receive the recommendation for advancement from appropriate supervisors and to provide a series of progressive classifications.

3.3. The Superintendent shall appoint a member to the position of Promotional Standards Officer who has the authority and responsibility for administering the Career Progression System. He or she shall:

3.3.a. Maintain files for every member within the system;

3.3.b. Provide notice as required on behalf of the Superintendent or any system board;

3.3.c. Receive all requests for promotional consideration, petitions for reclassification and petitions of justification on behalf of the Superintendent or any system board;

3.3.d. Review any candidate challenges to written examination questions;

3.3.e. Coordinate of the activities of all Career Progression System sub-systems; and

3.3.f. Provide direct contact to all Department members concerning the Career Progression System.

3.4. The Superintendent shall provide each member and each employee assigned to the West Virginia State Police Forensic Laboratory with a written manual governing the specific procedures for evaluating and testing members or employees for promotion or reclassification.

3.5. Basic eligibility requirements for participation in the Supervisory Field Promotional System, the Non-Supervisory Rank Classification System, and the Administrative Support Specialist Classification System include:

3.5.a. Achievement of the required rank or classification as defined in this rule;

3.5.b. Achievement by the member of a minimum score of 75 percent on the most recent General Knowledge examination completed by all members required to take the examination;

## 81CSR3

3.5.c. Achievement by the member of a minimum score of 75 percent on the most recent firearms qualification examination completed by all members during annual in-service training; and

3.5.d. Achievement by the member of a final rating of “Meets Expectations” or higher final rating for the most recent Employee Performance Appraisal evaluation.

3.6. In addition to the requirements set forth in §subsection 3.5 of this rule, members in the Non-Supervisory Rank Classification System and the Administrative Support Specialist Classification System must successfully complete the semi-annual physical fitness test in accordance with the provisions of this rule.

3.7. The Promotional Standards Officer may establish minimum or maximum advance notification limits for the submission of requests for promotional consideration or petitions for reclassification.

### §81-3-4. Permanent Rank Promotions.

#### 4.1. Eligibility Requirements.

4.1.a. Participation in the Supervisory Field Promotional System is restricted to those members who have achieved and hold the permanent classification or rank of Trooper First Class, Corporal, Sergeant, First Sergeant or Second Lieutenant when new promotional cycles are initiated by the Superintendent. If the Superintendent initiates a promotional cycle pursuant to this section, the member must meet all of the applicable eligibility requirements set forth in this rule in order to participate in any phase of the cycle as of the first day of the month following the initiation of the cycle.

4.1.a.1. Members holding the rank of Trooper First Class, having completed seven years’ service, or Corporals may request promotion to the rank of Sergeant.

4.1.a.2. Non-probationary Sergeants, who have at least one year in the present rank, may request promotion to the rank of First Sergeant.

4.1.a.3. Non-probationary First Sergeants may request promotion to the rank of Second or First Lieutenant.

4.1.a.4. Non-probationary Second Lieutenants may request promotion to the rank of First Lieutenant.

4.1.b. To participate in the Supervisory Field Promotional System, the member will meet the basic eligibility requirements as required by §subsection 3.5 and §subdivision 4.1.a of this rule.

4.1.c. The Promotional Standards Officer shall notify all members of the requisite rank or classification when a promotional cycle has been initiated and shall provide to those members forms to request promotional consideration. Members on permanent rank probation or members who do not meet the provisions of §subsection 3.5 and §subdivision 4.1.a of this rule are not eligible to receive notification of or participate in the promotional cycle.

4.1.d. The Superintendent may allow members who have been off of work due to medical leave and members who have been working in alternate duty status to participate in “make-up” tests within 30 days of being released to return to full duty status without any medical restrictions.

#### 4.2. Composite Score.

## 81CSR3

4.2.a. Members who participate in the Supervisory Field Promotional System will receive a composite score as determined by a competitive process including both written and practical examinations, as well as the member's State Police tenure, educational background, physical fitness test and time-in-grade.

4.2.b. The maximum attainable composite score for First Sergeant and Lieutenant candidates is 116.0 points. The maximum attainable composite score for Sergeant candidates is 109.0 points with the determination of points made as follows:

4.2.b.1. Written examination -- The member may receive up to 40 points for the written examination, which will consist of no less than 40 written questions.

4.2.b.2. Practical examination -- The member may receive up to 15 points for an oral assessment and may receive up to 10 points for an in-basket exercise, not to exceed 25 cumulative points.

4.2.b.3. Longevity -- The member will receive .0833 point, not to exceed 20 points for each month of service from 61 to 300 months, inclusive.

4.2.b.4. Education -- The member will receive .075 point, not to exceed 10 points, for each certified college semester hour or each five cumulative days of successfully completed schools authorized or sanctioned by Department Special Order. A member will receive additional points for completion of a post-secondary educational degree as follows: bachelor's degree - one point; master's degree - one and one-half points; doctorate - two points. Points for educational degrees are not cumulative and multiple degrees will not earn additional points. The cumulative points awarded for education may not exceed 12.

4.2.b.5. Physical fitness test -- The member will receive 1.0 point, not to exceed a total of 9.0 points, for each section of the semi-annual physical fitness test passed by the member during the two-year period prior to the initiation of the promotional cycle. Points will be awarded for the three highest scoring semi-annual tests achieved by the member during the two-year period; the lowest test score will be eliminated. Medical deferrals and waivers will not be recognized. Points for the physical fitness test will only be awarded to those members who successfully complete the individual sections of the assessment. Members on military leave during these semi-annual tests will be given the physical fitness test within 30 days following the completion of the absence to be awarded the applicable promotional points. If a member misses more than one physical fitness test while on military leave, the score for the physical fitness test taken within the 30-day time period will be used for all physical fitness tests missed.

4.2.b.6. Time in Grade -- First Sergeant and Lieutenant candidates will receive .0416 point, not to exceed 7 points for each month of service in their current rank from 13 to 180 months, inclusive.

4.2.b.7. Firearms Qualification -- The member will receive up to 1.5 points per year, not to exceed a total of 3.0 points for a two-year period, based upon the member's score during firearms qualification during the two most recent annual in-service training sessions.

### 4.3. Initiation of promotional cycle.

4.3.a. The Superintendent may initiate a promotional cycle when one or more of the following conditions exist:

4.3.a.1. An insufficient number of candidates remain on a current promotional list to fill supervisory vacancies;

4.3.a.2. A number of members, equal to or greater than ten percent of the number remaining on the current list, reach a tenure requirement that would permit their participation in the Supervisory Field Promotional System; or

4.3.a.3. The current promotional list has been active for at least 12 calendar months.

4.3.b. Beginning on January 1, 2012, and every two years thereafter on January 1<sup>st</sup>, the Superintendent shall initiate a promotional cycle for the ranks of Sergeant, First Sergeant, and Lieutenant.

4.4. Selection and review board and its duties.

4.4.a. The selection and review board consists of six voting members and a chairperson who will only vote in cases of tie.

4.4.a.1. The board will meet at the direction of the Superintendent.

4.4.a.2. The voting members shall be two members of the Non-supervisory Rank Classification System and one member of each of the supervisory ranks of Sergeant and First Sergeant. These members shall be drawn by blind lot by the Superintendent or a member of the Senior Staff from a list of members of the applicable classification or supervisory rank determined by the Superintendent to be eligible to participate in the Supervisory Field Promotional System. The voting members shall also include two members of the First or Second Lieutenant rank who will be drawn from a list of all Lieutenants in the Department.

4.4.a.3. Each voting member has equal voting privileges, and all actions of the board shall be by majority decision.

4.4.a.4. The Superintendent shall appoint the board chair from the Senior Staff.

4.4.a.5. A member who is selected for inclusion on this board may not vote on any issue of his or her personal promotion, and any member so affected will be recused from any deliberations concerning that issue.

4.4.a.6. The voting members of this board shall serve a minimum term of 12 consecutive months unless the member is unable to serve due to illness, injury, promotion, demotion, suspension, or other cause.

4.4.a.7. In instances where a member cannot fulfill the original term of the board, the Superintendent shall appoint another member of equal rank or classification to fulfill the term.

4.4.a.8. Prior to assuming the duties of the board, the Superintendent shall administer the following oath to each member:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform the duties hereby imposed upon me as a member of this board."

4.4.a.9. Upon request of the board, the Human Resources Director or other person designated by the Superintendent shall provide specific information concerning an individual member's personnel records necessary for determining promotional scores or eligibility.

4.4.b. Duties.

4.4.b.1. The board has responsibility for reviewing the eligibility of applicants for promotion, determining individual promotional category scores, reviewing all supervisory recommendations and non-recommendations and determining individual positions of applicants on the rank ordered promotional list.

4.4.b.2. The board shall communicate with the reclassification boards within the Career Progression System and shall present annually to the Superintendent a review of the Career Progression System listing identified problems with suggestions for corrective action.

4.4.b.3. Following the board's evaluation of applicant members' eligibility for supervisory rank promotions, the board will individually transmit to every affected member the results of his or her individual eligibility review. The transmittals will be made following the review of the initial eligibility requirements with a second transmittal following the completion of the competitive testing procedures.

4.5. Rank ordered promotional list.

4.5.a. Members participating in the Supervisory Field Promotional System will be rank ordered on a promotional list according to the member's composite score as established under §subsection 4.2\_ of this rule.

4.5.b. The selection and review board shall submit to the Superintendent the rank ordered promotional list of members eligible for supervisory promotion.

4.5.c. Identical composite scores and tiebreakers.

4.5.c.1. If two members requesting consideration for promotion to the rank of Sergeant achieve identical composite scores, longevity shall be used as a tiebreaker. If all factors are identical, members shall be ranked according to their score on the written examination.

4.5.c.2. If two members requesting consideration for promotion to a position with a designated rank of First Sergeant or Second Lieutenant achieve identical composite scores, time-in-grade and then longevity shall be used as the tiebreaker. If all factors are identical, members shall be ranked according to their score on the written examination.

4.5.c.3. If two members requesting consideration for promotion to a position with a designated rank of First Lieutenant achieve identical composite scores, any Second Lieutenant shall be ranked ahead of any First Sergeant, then time-in-grade and then longevity shall be used as the tiebreaker. If all factors are identical, members shall be ranked according to their score on the written examination.

4.5.d. The rank ordered promotional list shall be affirmed as follows:

"The selection and review board, acting under oath, recommends the members named on the attached rank ordered promotional list be considered for promotion to the indicated rank."

4.5.e. The Superintendent shall file the rank ordered promotional list. The filed rank ordered promotional list shall not expire until a new rank ordered list is created as provided in this rule.

4.6. Selection for promotion.

4.6.a. In order to be promoted, a member shall indicate on a form provided by the Promotional Standards Officer that he or she is willing to be assigned or transferred to specific field operations positions.

4.6.b. The Superintendent shall make promotions within the State Police when there is a vacant supervisory field position. When making promotions, the Superintendent shall select a member from the rank ordered promotional list, as certified by the selection and review board, whose final composite score is equal to or higher than the final composite score of the third highest-ranking member who has indicated that he or she is willing to accept a promotion to the specified vacancy.

4.6.c. Any member selected for and who accepted a permanent rank promotion shall successfully complete a required six-month probationary period. The Superintendent may extend the probationary period. Probationary members are not eligible to participate in any promotional cycle until non-probationary status is granted.

**§81-3-5. Non-Supervisory Rank Reclassifications.**

5.1. Eligibility requirements.

5.1.a. All members permanently assigned to the field operations force and who have completed the basic State Police entry-level training program are eligible for participation in the Non-supervisory Rank Classification System and will be classified as Troopers following receipt of a field assignment.

5.1.b. To participate in the Non-Supervisory Rank Classification System, the member shall meet the basic eligibility requirements as required by §subsection 3.5<sub>2</sub> of this rule.

5.1.c. In addition to the provisions of §subdivision 5.1.b. of this rule, members in the Non-Supervisory Rank Classification System who hold the rank of Trooper, Senior Trooper and Trooper First Class must successfully complete each component of the semi-annual physical fitness test with a passing score on each of the three components during four of the six most recent tests offered prior to the date of reclassification.

5.1.d. The Non-supervisory Rank Reclassification Board shall automatically consider a member's eligibility for reclassification upon completion of the following cumulative years of service to the Department, provided the member has not received a reduction in classification or reclassification denial:

5.1.d.1. Senior Trooper - three years.

5.1.d.2. Trooper First Class - six years.

5.1.d.3. Corporal - nine years.

5.1.e. A member who receives a reduction in classification or reclassification denial shall file a petition for reclassification with the Promotional Standards Officer.

5.1.f. The Superintendent shall reclassify members participating within the Non-supervisory Rank Classification System who meet or exceed the minimum established reclassification and tenure requirements.

5.2. Non-supervisory Rank Reclassification Board and its duties.

5.2.a. The Non-supervisory Rank Reclassification Board consists of five voting members.

5.2.a.1. The board shall meet at the direction of the Superintendent.

5.2.a.2. The board members shall be two members of the Senior Staff as selected by the Superintendent, the Human Resources Director, and two members and two alternates drawn by blind lot by the Superintendent. One member and one alternate shall be drawn by the Superintendent from the commissioned ranks of First Lieutenant and Second Lieutenant and one member and one alternate shall be drawn by the Superintendent from the non-commissioned officer ranks of First Sergeant and Sergeant. If the Human Resources Director is unavailable to serve or if the position of Human Resources Director is eliminated, the Superintendent shall select a member to occupy that board position.

### 81CSR3

5.2.a.3. Each board member has equal voting privileges, and all actions of the reclassification board shall be by majority decision.

5.2.a.4. The most senior highest-ranking officer shall serve as chairperson.

5.2.a.5. In instances where a board member drawn from the commissioned or non-commissioned officer ranks is within a candidate's direct supervisory chain, that board member shall be recused and replaced by an alternate during the affected candidate's review.

5.2.a.6. The members of the board, except the Human Resources Director, who shall be a permanent member, shall serve a minimum term of 12 consecutive months unless a member is unable to serve due to illness, injury, promotion, demotion, suspension, or other cause.

5.2.a.7. The alternate shall fulfill the term in all instances where a member cannot fulfill the original term of the board.

5.2.a.8. Prior to assuming the duties of the reclassification board, the Superintendent shall administer the following oath to each member:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform the duties hereby imposed upon me as a member of this board."

#### 5.2.b. Duties.

5.2.b.1. The reclassification board shall verify a member's eligibility in the areas of longevity, Employee Performance Appraisal, and General Knowledge examination.

5.2.b.2. The reclassification board shall review all petitions for reclassification and shall determine eligibility.

5.2.b.3. The Promotional Standard Officer shall individually transmit to every affected member the results of individual eligibility and petition reviews.

5.2.b.4. The reclassification board shall identify deficiencies in the Non-supervisory Rank Classification System and communicate these deficiencies with suggestions for remedial action to the selection and review board of the Supervisory Field Promotional System.

#### 5.3. Reclassification recommendations.

5.3.a. Upon verifying a member's eligibility, the reclassification board shall submit to the Superintendent a recommendation for reclassification.

5.3.b. The reclassification recommendation shall be affirmed as follows:

"The reclassification board, acting under oath, finds, by majority decision, that the members named on the attached list have met or exceeded the minimum eligibility requirements for reclassification to the non-supervisory rank indicated and recommends said members be reclassified to the indicated non-supervisory rank."

5.3.c. The Superintendent shall file the affirmation and maintain it for a minimum period of one year.

### §81-3-6. Administrative Support Specialist Reclassifications.

6.1. Eligibility requirements.

6.1.a. All members assigned to Support Specialist positions, are eligible for participation in the Administrative Support Specialist Classification System, provided the members have successfully completed a one-year probationary period within a specific Support Specialist position.

6.1.b. A member may not advance within the Administrative Support Specialist Classification System to a level that exceeds the maximum classification level established for that position by the Superintendent.

6.1.c. A member may file a petition for reclassification to the next applicable classification level following each 24 months of continuous service as a Support Specialist, or when a member receives a promotion or reclassification by virtue of participation in the Supervisory Field Promotional or Non-Supervisory Rank Classification Systems.

6.1.d. A member requesting reclassification shall submit a petition for reclassification to the Support Specialist Reclassification Board on the form required by the Superintendent.

6.1.e. A member requesting reclassification shall meet the basic eligibility requirement as required by §subsection 3.5.2 of this rule.

6.1.f. In addition to the provisions of §subdivision 6.1.e., members assigned as Support Specialists who are appointed as Support Specialist I through IV must successfully complete each component of the semi-annual physical fitness test with a passing score on each of the three components during two of the four most recent tests offered prior to the date of their request for reclassification.

6.1.g. A member who is denied reclassification or promotional eligibility within the member's permanent career progression system is not eligible for reclassification within the Administrative Support Specialist Classification System until the member achieves eligibility within the permanent system.

6.1.h. A member who receives a reduction in classification or reclassification denial shall re-file a petition for reclassification.

6.2. Administrative Support Specialist Reclassification Board and its duties.

6.2.a. The Administrative Support Specialist Reclassification Board consists of five voting members.

6.2.a.1. The board shall meet, at the direction of the Superintendent, following a reclassification request by a member of the administrative support specialist system.

6.2.a.2. The board members shall be three members of the Senior Staff as selected by the Superintendent, the most senior ranking officer assigned to the training academy, and the Human Resources Director.

6.2.a.3. If the Human Resources Director submits a petition for reclassification or is otherwise unavailable to serve, or if the position of Human Resources Director is vacant or eliminated, the Superintendent shall select a member to occupy that board position.

6.2.a.4. Each board member has equal voting privileges, and all actions of the reclassification board shall be by majority decision.

6.2.a.5. The most senior highest-ranking officer shall serve as chair.

## 81CSR3

6.2.a.6. The members of the board selected by the Superintendent shall serve a minimum term of 12 consecutive months unless a member is unable to serve due to illness, injury, promotion, demotion, suspension, or other cause.

6.2.a.7. In all instances where a board member cannot fulfill the original term of the board, the Superintendent shall appoint a member of the Senior Staff or a member of the Administrative Support Specialist Classification System to fulfill the term.

6.2.a.8. Prior to assuming the duties of the reclassification board, the Superintendent shall administer the following oath to each member:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform the duties hereby imposed upon me as a member of this board."

### 6.2.b. Duties.

6.2.b.1. The reclassification board shall verify a member's eligibility in the areas of support specialist tenure, General Knowledge examination score, and supervisory recommendations.

6.2.b.2. The reclassification board shall review all petitions for reclassification and shall determine eligibility.

6.2.b.3. The Promotional Standard Officer shall individually transmit to every affected member the results of individual eligibility and petition reviews.

6.2.b.4. The reclassification board shall identify deficiencies in the Administrative Support Specialist Classification System and communicate these deficiencies, with suggestions for remedial action, to the selection and review board of the Supervisory Field Promotional System.

### 6.3. Reclassification recommendations.

6.3.a. Upon verifying a member's eligibility, the reclassification board shall submit to the Superintendent a recommendation for reclassification.

6.3.b. The reclassification recommendation shall be affirmed as follows:

"The reclassification board, acting under oath and having considered the individual members requesting reclassification, finds, by majority decision, that the members named on the attached recommendation have met the eligibility requirements for reclassification to the Support Specialist classification indicated and recommends said members be reclassified to the indicated Support Specialist classification.

6.3.c. The Superintendent shall file the affirmation and maintain it for a minimum period of one year.

## §81-3-7. West Virginia State Police Forensic Laboratory Classification System.

### 7.1. Eligibility requirements.

7.1.a. Certain employees assigned to the West Virginia State Police Forensic Laboratory are eligible for participation in the West Virginia State Police Forensic Laboratory Classification System.

## 81CSR3

7.1.b. To participate in the West Virginia State Police Forensic Laboratory Classification System, the employee shall meet basic eligibility requirements, and the employee shall receive the recommendation for reclassification from each applicable supervisory level as determined by the reclassification board.

7.1.c. Certain employees within the West Virginia State Police Forensic Laboratory are eligible for entry and advancement with the West Virginia State Police Forensic Laboratory Classification System. The classification structure and movement within is summarized in this section and detailed within a manual approved by the Superintendent and made available to West Virginia State Police Forensic Laboratory employees.

7.1.c.1. Evidence Custodians (EC) are classified into 4 categories: EC 1, EC 2, EC 3, and EC 4. Movement within and between the EC classifications is determined by time in position and successful tenure in position.

7.1.c.2. Forensic Technicians (FT) are classified into 3 categories: FT 1, FT 2, FT 3. Movement within and between the FT classifications is determined by time in position and successful tenure in position.

7.1.c.3. Forensic Scientists (FS) are classified into 6 categories: FS 1, FS 2, FS 3, FS 4, FS 5, FS 6. Movement within and between FS classifications is determined by time in position, successful tenure in position and attainment of requirements for next classification opportunity (relevant certification, professional and leadership development, etc.)

7.1.c.4. Forensic Scientist Supervisors (FSS) are classified into 4 categories: FSS 1, FSS 2, FSS 3, FSS 4. Movement within and between FSS classifications is determined by time in position, successful tenure in position and attainment of requirements for next classification opportunity (relevant certification, professional and leadership development, etc.)

7.1.d. The Superintendent shall reclassify employees participating within the West Virginia State Police Forensic Laboratory Classification System who meet or exceed the minimum established reclassification and tenure requirements.

7.2. West Virginia State Police Forensic Laboratory Reclassification Board and its duties.

7.2.a. The West Virginia State Police Forensic Laboratory Reclassification Board is created and shall consist of five voting members.

7.2.a.1. The board shall meet, at the direction of the Superintendent, to review all associated documentation following a reclassification request by an employee in the West Virginia State Police Forensic Laboratory Classification System.

7.2.a.2. The board members shall include the Senior Staff officer in charge of the West Virginia State Police Forensic Laboratory, the Director of the West Virginia State Police Forensic Laboratory, the Human Resources Director, the supervisor of the applicable section, and an additional staff member. If a board member is unavailable to serve or if one of the positions are vacant or eliminated, the Superintendent, or his or her designee, shall select a member or members to occupy the vacancies.

7.2.a.3. The direct supervisor of the employee requesting the reclassification shall review the applicant's request and all associated documentation and forward that information to members of the board for review and approval or denial.

7.2.a.4. In instances where a board member has a conflict of interest with a reclassification request, that board member shall be recused at the direction of the Superintendent, and the board member

shall be replaced by an alternate during the affected candidate's review. The Superintendent shall name the alternate board member.

7.2.b. Duties.

7.2.b.2. The reclassification board shall review all requests for reclassification and shall determine eligibility.

7.2.c. Reclassification recommendations.

7.2.c.1. Upon verifying an employee's eligibility, the reclassification board shall submit to the Superintendent a recommendation for reclassification. Upon approval, the Human Resources Director shall implement the reclassification upon date of eligibility.

**§81-3-8. Career Progression Review Committee and its Duties.**

8.1. The Career Progression Review Committee consists of six members.

8.2. The committee shall meet annually at the direction of the Superintendent.

8.3. The committee members shall consist of two members chosen by the Superintendent, two members chosen by the trade or professional organization that has the largest number of members of the State Police within its membership, and two members selected by blind lot from the entire membership of the State Police.

8.4. Each member of the committee has equal voting privileges, and all actions of the committee shall be by majority decision.

8.5. The committee members shall serve a minimum of 12 consecutive months unless a member is unable to serve due to illness, injury, or other cause.

8.6. In instances where a member cannot fulfill his or her original term on the committee, that member shall be replaced by another member in accordance with §subsection 8.3. of this rule.

8.7. Duties.

8.7.a. The committee shall review, evaluate, and coordinate any recommendations for system improvements received from any source.

8.7.b. The Superintendent shall solicit from the committee a written review of the West Virginia State Police Career Progression System, including any operational policy and procedures, to be completed once every 12 months. The review shall identify specific problems with the system's procedures and shall include recommendations for remedial action.

8.8. The West Virginia State Police Forensic Laboratory Classification System Review Committee (composed of members of the West Virginia State Police Forensic Laboratory Reclassification Board or their designees) shall review, evaluate, and make recommendations to the Laboratory Director for system improvements. The Laboratory Director shall forward to the Superintendent, or his or her designee, any recommended substantive revisions to the system for approval.