

1st Ind to Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC) *Special*
Meeting Minutes, RE: Monday, March 31, 2025 Meeting

PRESIDENT DALE A. BUCK, ESQ

March 31, 2025

MEMORANDUM FOR BCDSCSC, ADMINISTRATIVE ASSISTANT

Approved / Disapproved. Distribute electronically to all Berkeley County Deputy Sheriff Civil Service Commissioners, Berkeley County Commissioners, Berkeley County Sheriff and Staff as required.



DALE A. BUCK, ESQ.,
President/Commissioner, BCDSCSC



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**BERKELEY COUNTY
DEPUTY SHERIFF CIVIL SERVICE COMMISSON
400 West Stephen Street, Suite 103
Martinsburg, WV 25401-3802**

March 31, 2025

MEMORANDUM FOR COMMISSION PRESIDENT DALE A. BUCK, ESQ

FROM: Mr. John Alderton, Administrative Assitant, Berkeley County Deputy
Sheriff Civil Service Commission (BCDSCSC)

SUBJECT: Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC)
Special Meeting Minutes : RE: Monday, March 31, 2025 Meeting

1. **Date, Time & Place.** The Berkeley County Deputy Sheriff Civil Service Commission (BCDSCSC) met on Monday, March 31, 2025, 400 West Stephen Street, 2nd Floor, Commission Chambers. Martinsburg, West Virginia. The meeting commenced, at 5:00 PM and was streamed on YouTube at: <https://www.youtube.com/watch?v=RbtMQnTgJSw&t=2910s> . The meeting starts at the 9:20 minute mark. The *special* meeting was opened by President Dale A. Buck, President, Berkeley County Deputy Sheriff Civil Service Commission.

2. **Personnel in Attendance:**

Mr.	Dale A. Buck	President of Commission
Mr.	Stephen D. Dopson	Commissioner
Mr.	James G. Moffett	Commissioner
Mr.	John H. Alderton	Deputy County Clerk/ BCDSCSC Administrative Assistant
Corporal	Philip Butcher	Berkeley County Sheriff's Office
Corporal	Jody Strickler	Berkeley County Sheriff's Office
Ms.	Brandy Sullivan	Berkeley County Sheriff's Office

3. **Purpose.** President Buck stated... the purpose of the special meeting relates to the Commission receiving a request for information regarding why a hearing was not given to Corporal Philip Butcher in October of 2023. There are two other items on the agenda that have been added simply because the Commission was meeting, to clean them up. But, the purpose of the meeting is just the request for information, from Corporal Butcher. The following is a summarization of the discussion surrounding each issue/item, listed on the agenda (**Attachment 1**).

4. **Discussion Items.**

a. **Issue 2025-0008.** Request for Hearing Information **RE:** Reason Hearing was Not Given in October of 2023 – for Corporal Philip Butcher.

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(1) President Buck offered Corporal Butcher an opportunity to address the Commission. He stated, he had ask John (Mr. Alderton) as to why he wasn't given a hearing. This was Corporal Butcher's main question.

(2) President Buck inquired of Corporal Butcher for clarification a few items, to ensure the Commission had the facts straight.

(a) Corporal Butcher took a promotional exam in March of 2022 got the highest score. Corporal Butcher acknowledged this was correct.

(b) There were conversations with Chief Deputy Young, he extended the offer for the promotion. But, Corporal Butcher was advised he would need to relocate to patrol. Which he did not want to do. Corporal Butcher acknowledged this was correct. He then declined the promotion.

(c) On July 26, 2022 there was another promotional exam. Again, Corporal Butcher had the high score. Again, he was extended an offer of promotion. But was again required to relocate to patrol again. Corporal Butcher acknowledged this was correct.

(d) Then on August 25, 2023, there was a promotional examination, that was specially, advertised for patrol. You took that test and understood it was for patrol. Corporal Butcher had no dispute with that. Corporal Butcher acknowledged this was correct.

(e) On September 25, 2023 Corporal Butcher took another promotional examination. Again scoring the highest. Then on October 3, 2023 Chief Young extended the offer for promotion while advising you it was for patrol. On October 5, 2023, there were discussions and you accepted the promotion to the Rank of Corporal. However, there was a meeting on October 10, 2023 with Berkeley County Legal Director Anthony Delligatti, Judge Laura Faircloth and Judge Reading, Sheriff, Harmon, Chief Deputy Young and Chief Court Marshal Laing.

(f) On October 13, 2023 Chief Deputy Young confirmed your promotion and advised, Corporal Butcher would be remaining in the Judicial Center. Corporal Butcher acknowledged this was correct.

(g) On October 16, 2023, Corporal Butcher filed a petition with the Berkeley County Civil Service Commission Office. Corporal Butcher requested at that time back-dated promotion – compensation.

(h) President Buck wanted to confirm, that Corporal Butcher's request that generated this special meeting was to find out why his request made in October 16 2023 didn't result in a hearing or basically didn't result in anything. Corporal Butcher acknowledged this was correct.

(i) President Buck stated, at the time of the petition that the Commission received Corporal Butcher had received promotion and he was granted the work assignment that he had requested. The judges had met with Chief Young and Mr. Delligatti and the issue had been resolved. The issue then was back pay correct back pay or back date? Corporal Butcher stated, he felt it should have been back-dated more than anything.

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(j) President Buck stated, there was some discussion among the commissioners, and he believed there will be some more. Regarding that it was never placed on agenda it never received a full Commission hearing. There was some discussion we had received the petition there were things going on and I can only say... I think the ball was dropped. Commissioner Moffitt agreed.

(k) President Buck went onto acknowledge Corporal Butcher, brought it back before the Civil Service Commission. President Buck believes what the Commission can do if they have agreement among the three of them or at least a majority among the three of them they could set it for a hearing. Providing that's what Corporal Butcher's desire is.

(l) Present Buck added... his initial reaction to the petition it seemed to me that it was a dispute between the Sheriff's Department and the Courts as to Corporal Butcher's assignment. Whereas President Buck does not think this was an issue that the Deputy Sheriff Civil Service Commission is equipped to take up. However, President Buck does not know, because the Commission never had the official meeting. The Commission never had it on the agenda and it wasn't discussed openly. Therefore, he is uncertain how it's going to go.

(m) Corporal Butcher added, as far as just being assigned there (Judicial Center) he did attach to his original filling the code and paperwork for the Commissions review, including Judge Faircloth's letters. Corporal Butcher doesn't feel it was handled properly to begin with. Corporal Dopson presented a letter and an email to President Buck, which he shared with the other Commissioners. Commission Dopson, spoke up to say he doesn't recall seeing the documents, as we're talking back in 2023. President Buck was also uncertain if he had seen the documents.

(n) Commissioner Dopson inquired of Corporal Butcher what would he be seeking with a hearing. Corporal Butcher responded by saying back-date of his promotion to when he first turned the promotion down. Corporal Butcher, stated he would waive any compensation. He's not seeking any money or compensation, just the back-date.

(o) Commissioner Moffitt inquired of Butcher taking the test 3 or 4 times. Corporal Butcher stated four (4) times. Commissioner Moffitt, followed up saying, the first time you were told that you had to go to patrol and you said you didn't want to and the second time was the same. You do understand, the judge exercised her right to do this. But it disrupted the structure of the sheriff's department by a Corporal being assigned in the courthouse when they needed them on patrol, right?

(p) President Buck inquired, if the commission has a hearing or whatever is Corporal Butcher's goal in just back-dating and not getting the back pay? In order to be eligible for promotion? Corporal Butcher acknowledged this was correct. President Buck inquired, what would be the back date? Corporal Butcher acknowledged back to March of 2022. It was determined, if awarded back to March of 2022. Corporal Butcher would be eligible to test for the Sergeant's Examination being offered on April, 17, 2025.

(q) President Buck gave Corporal Deputy Strickler (President, Berkeley County Deputy Sheriff's Association) an opportunity to speak. She added she tends to agree with Corporal Butcher. Due to her similar situation, when assigned as a school resource officer.

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She was presented with the opportunity to be promoted or having to forgo the promotion to remain in a special assignment position. She accepted the promotion and was removed as a school resource officer. President Buck, again reiterated it issues like this that trouble him. He doesn't think the Commission is in a place to tell Sheriff where he's going to assign people. To which Corporal Strickler agreed.

(r) Commissioner Dopson recused himself from any further discussion. Commissioner Dopson, stated it's not that he disagreed or anything. He's not going to make any statements as it affects somebody that's related to him, and he's not going to participate from here out.

(s) President Buck stated, there's a motion for executive session. By Commissioner Dopson with a seconded by Commissioner Moffitt. President Buck called for a vote and the vote passed unanimously, to move into executive session, due to grounds for the potential of legality. **NOTE:** Commissioner Dopson recused himself and did not participate in the executive session.

(t) President Buck and Commissioner Moffitt were in executive session for nearly six-teen (16) minutes. Upon coming out of executive session. President Buck announced there is a motion. Commissioner Moffitt made a motion to back-date Corporal Butcher's promotion date to March 11, 2022, as requested in his affidavit. Commissioner Dopson recused himself from voting. Commissioner Moffitt explained the reasoning for back-dating the promotion. It's because back in 2023 when Corporal Butcher requested a hearing and Commissioner Moffitt apologized the Commission was not aware of the judge's letter - order and that's really the legal part of it. The judge had stated in a letter and it is legal and it's in our legislation it's in our law. You know the judge can request you stay and without due harm to you. That's what we're basing this decision on. We don't have anything to do with pay or anything like that. Our recommendation that the date be changed. Corporal Butcher reiterated he does not want compensation for the back-date.

(u) President Buck addressed the issue by saying. We've got a motion it's seconded and we're going to have a vote in a second. Before we vote on that I just want to say this does cause me some heartburn. I don't like the idea that we are going and telling the sheriff what type of discussion he can have with deputies regarding promotion. Now if it's a condition of promotion it was wrong. If you could have been promoted and then challenged it. I think it should have. That's the problem I have. When you did that in 2023 you got it. But in fairness if that letter from Judge Faircloth was available in March 2022. It should have been read.

(v) President Buck called for a vote. The vote was on the motion made by Commissioner Moffitt, which was to back-date Corporal Butcher's promotion date to March 11, 2022, as requested in his affidavit. The vote was unanimous in favor of back-dating the promotion to March 11, 2022. Motion carried. **NOTE:** Commissioner Dopson recused himself and did not participate in the vote.

(CLOSE)

b. **Issue 2025 – 0003.** Promotional Exam Request for Rank of Sergeant due to Sergeant Heagy Demotion (Voluntary) Request, which Created the Vacancy as of July 1, 2024. Mr. Alderton presented the following information:

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(1) The purpose of this update to revise the date of testing from April 24, 2025 to April 17, 2025.

(2) During the March 19, 2025 regularly schedule meeting, a test date of Thursday, April 24, 2025 was set.

(3) Mr. Alderton, acknowledged he mistakenly set everything up for Thursday, April 17, 2025. Both applicants have been notified of the test date of April 17, 2025, at 9:00 AM. Testing location is the Sheriff's Office Training/Classroom.

(4) Mr. Alderton suggested a motion be made to formally change the test date as reflected in last months meeting to Thursday,, April 17, 2025.

Commissioner Moffitt made a motion to change the date of testing from April 24, 2025 to April 17, 2025. Commissioner Dopson seconded the motion. President Buck call for further discussion. There being none, he called for a vote. The vote was unanimous in favor of changing the test date from April 24, 2025 to April 17, 2025.

(CLOSE)

c. Issue 2024 – 0029. Request for New Open Hire Physical Agility & Written Examination. **RE** December 14, 2024. Mr. Alderton, provided the following update:

(1) During the Wednesday, March 19, 2025 meeting. You had established a tentative Public Hearing date of Wednesday, April 16, 2025, at 6:15 PM, should Applicant Moreland request a public hearing.

(2) Applicant Moreland had a suspense date of 5:00 PM. Thursday, March 27, 2025 to notify our office, if he wanted to request or decline a Public Hearing. As of that date and time, we received no, letter of intent or any type (phone call or email) of correspondence from him.

(3) The certified letter, which was picked up and signed for on March 25, 2025, at 9:06 AM stated... *Failure to notify the Civil Service Commission of your decision in writing by **Thursday, March 27, 2025, at 5:00 PM.**, it shall be deemed that you have waived your right to a public hearing, and your name will be removed from the list of eligible candidates without further appeal.*

(4) Mr. Alderton suggested a motion be made to close this issue, based upon failure to reply and that this item be formally closed. As this action will allow the top 4 names (due to a score of 90 and three (3) tie scores of 85) to be sent to the Sheriff Blair.

Commissioner Dopson made a motion to the Commission cancel the tentative hearing scheduled for April 17, 2025 and close this item. Commissioner Moffitt seconded the motion. President Buck call for further discussion. There being none, he called for a vote. The vote was unanimous in favor of canceling the tentative hearing and closing this issue.

(CLOSE)

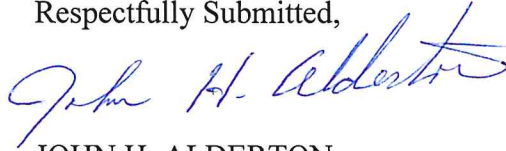
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5. **Possible Executive Session for Civil Service Commission Personnel & Legal Matters.**

See paragraph 4 Sub-paragraphs a, (r), (s), (t), & (u) above.

6. **Adjournment.** President Buck, inquired if there was a motion to adjourn. Commissioner Moffitt, made a motion to adjourn. Commissioner Dopson seconded the motion. President Buck called for any further discussion. With there being none, President Buck called for a vote. The motion carried unanimously. The *special* meeting was adjourned at 5:51 PM.

Respectfully Submitted,



JOHN H. ALDERTON
BCDSCSC, Administrative Assistant

1 Attachment(s):

1. Special Meeting Agenda, Monday, March 31, 2025

cc:

BCDSCSC File



SPECIAL MEETING AGENDA - AMENDED

Berkeley County Deputy Sheriff's Civil Service Commission

3/31/2025 5:00 PM | Meeting called by: President Buck

Location: The Berkeley County Main Administration Building, County Commission Chambers, 2nd Floor

400 West Stephen Street

Martinsburg, WV 25401

Commissioners & Recorder

Dale Buck, Esq., President | Stephen D. Dopson, Commissioner | James G. Moffitt, Commissioner | John H. Alderton, Deputy County Clerk/Administrative Assistant for BCDSCSC

Item

OPR

1. **Welcome – Call to Order**

President Buck

2. **Purpose of Special Meeting:**

President Buck

3. **Discussion Item(s):**

a. **Issue 2025–0008.** Request for Hearing Information
RE: Reason Hearing was Not Given in October of 2023 –
for Corporal Philip Butcher.

All Commissioners

b. **Issue 2025 – 0003.** Promotional Exam Request for Rank
of Sergeant due to Sergeant Heagy Demotion (Voluntary)
Request, which Created the Vacancy as of July 1, 2024.

Deputy County Clerk/
Administrative
Assistant

c. **Issue 2024 – 0029.** Request for New Open Hire Physical
Agility & Written Examination. **RE** December 14, 2024

All Commissioners
Deputy County Clerk/
Administrative
Assistant

4. **Possible Executive Session for Civil Service Commission
Personnel & Legal Matters.**

All Commissioners

5. **Motion for Recess or to Adjourn**

All Commissioners

*The Berkeley County Deputy Sheriff Civil Service Commission reserves the right to re-arrange
items on the Agenda as needed due to time constraints of the commission.
Possible Executive Session for Civil Service Commission Personnel & Legal Matters.*

NOTES:

ATTACHMENT "1"