

BERKELEY COUNTY DEPUTY SHERIFF CIVIL SERVICE COMMISSION



2020 ANNUAL REPORT

Submitted: _____

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- 1. Appointment of Commissioners.** §7-14-3 There shall be a civil service commission in each county and the state. Each such civil service commission shall consist of three commissioners, one of whom shall be appointed by the bar association of such county, one of whom shall be appointed by the deputy sheriff's association of such county, and one of whom shall be appointed by the county commission of such county. In the event the bar association or deputy sheriff's association fails to make an appointment within the time prescribed in this section therefor, then such appointment shall be made by the county commission. The persons appointed commissioners shall be qualified voters of the county for which they are appointed, and at least two of the commissioners shall be persons in full sympathy with the purpose of this article. Not more than two of the commissioners, at any one time, shall be members of the same political party. The commissioners in each county shall be appointed as follows: Within sixty (60) days from the effective date of this article, the authorities having the power to appoint members to the civil service commission shall appoint the three commissioners, the first to be appointed by the bar association of the county shall serve for six years from the date of appointment, the second to be appointed by the deputy sheriff's association of the county shall serve for four years from the date from the date of appointment, and the third to be appointed by the county commission of the county shall serve a term of two years from the date of appointment. All subsequent appointments shall be made for terms of four years. In the event that any commissioner of the civil service commission ceases to be a member thereof by virtue of death, final removal or other cause, a new commissioner shall be appointed to fill the unexpired term of that commissioner within ten days after said ex-commissioner ceased to be a member of the commission. Such appointment shall be made by authority who appointed the commissioner who is no longer a member of the commission. Each year the three members of the commission shall, together, elect one of their number to act as president of the commission for a term of one year. The county commission may at any time remove a commissioner for good cause, which shall be stated in writing and made part of the records of the commission. Once the county commission has removed any commissioner, such county commission shall within ten days thereafter file in the office of the clerk of the circuit court of the county a petition setting forth in full the reason for the removal and praying for the confirmation of the circuit court of the action of the county commission in removing said commissioner. A copy of the of the petition shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and has precedence on the docket of the circuit court and shall be heard by the court as soon as practicable upon the request of the removed commissioner. All rights hereby vested in the circuit court may be exercised by the judge thereof in vacation. In the event that no term of the circuit court is being held at the time of filing the petition, and the judge thereof cannot be reached in the county wherein the petition was filed, the petition shall be heard at the next succeeding term of the circuit court, whether regular or special, and the commissioner so removed shall remain removed until a hearing is had upon the petition of the county commission. The circuit court, or the judge thereof in vacation, shall hear and decide the issues presented by the petition. The county commission or commissioner, as the case may be, against whom the decisions of the circuit court or judge thereof in vacation is rendered has the right to petition the supreme court of appeals for review of the decision of the circuit court judge thereof in vacation as in other civil cases. In the event that the county commission fails to file its petition in the office of the clerk of the circuit court, as hereinbefore

provided, within ten days after the removal of the commissioner, such commissioner immediately resumes his position as a member of the civil service commission. ...

... No commissioner may hold any other office (other than the office of notary public) under the United States, this state or any municipality, county or other political subdivision thereof; nor may any commissioner serve on any political party committee or take any active part in the management of any political campaign. ...

In accordance with WV State Code (§7-14-3), the Berkeley County Deputy Sheriff's Civil Service Commission formed by three member panel. Currently, the civil service commission is represented by the following members:

- a. The **Berkeley County Council Appointment**: Mr. Michael Bush was appointed May 29th, 2019 to fill the unexpired term of Mr. Barry Subelsky who resigned his position on December 11, 2018. This term expires September 26th, 2021.
- b. The **Berkeley County Deputy Sheriff Association Appointment**: Mr. Scott Sheets was appointed July 23rd, 2020 to fill the unexpired term of Mr. Scott Myers who passed away. This term expires September 14th, 2021.
- c. The **Berkeley County Bar Association Appointment**: Mrs. Linda Gutsell was appointed March 16th, 2017 and her current term expires March 16th, 2021.

1. Open Entry Exams.

- a. With the previous list of those eligible exhausted, with the exception of Michelle Cole (information in the hearing section), the Sheriff requested another open entry exam to be held. The first Open Entry was held February 8th, 2020. 30 applications were handed out, of which only 14 were returned. Of those 14 only 9 applicants were present for the exam. Of those 9, only 1 applicant failed the physical agility portion of the exam. However, only 7 of those individuals passed the written exam. Those applicants then proceeded to the background portion of the hiring process. Those who passed the background were then offered employment. Sheriff Keller hired Jason Miller, Elijah Hooper and Bailey Bartholme. Bartholme later resigned and his vacancy was then filled by Matthew Clark.
- b. With that list exhausted, and Promotional exams opening vacancies, Sheriff requested another Open Entry. That Open Entry was scheduled and held November 14th, 2020. There were 29 applications handed out, from which only 22 were returned. Of those 22, only 10 applicants were present for the physical agility portion of the exam. Of those 10, 9 went on to take the written exam. Only 7 passed the written exam. Those hired from this round were Derek Walker, Jacob Northcraft and Jessica McNeal. Three others did not pass their background check. One declined to move forward.

2. Promotional Exams.

- a. On December 1, 2020, Captain Wilbur Johnson retired, creating a vacancy in each rank. On December 7th, 2020, the Commission held a Promotional exam for Captain, Lieutenant and Sergeant. The Promotional exam for Corporal was held December 8th, 2020. After calculating total scores based on the formula written in the Berkeley County Civil Service Rules and Regulations, the highest scoring Lieutenant was Ronald Gardner who went on to accept his rank as Captain. The highest scoring Sergeant was William Christian who went on to accept his rank as Lieutenant. The highest scoring Corporal was Trampus Boyles, who declined taking rank as Sergeant. Zachary Anaya was the second highest score and accepted rank as Sergeant. The highest scoring Deputy was Justin Ritchie who went on to accept his rank as Corporal.

3. Request for hearing.