

Rule III: Application for Examination

Section One

The Commission shall require persons applying for admission to any examination, provided for by the Civil Service Act or by the Rules of the Commission herein prescribed, to file with the Commission a formal application which the applicant shall complete in his own handwriting. The Commission shall, at its discretion, announce a date after which applications will no longer be accepted. Applicants for appointment or promotion shall notify the Commission of any physical disabilities or illnesses.

Section Two

The Commission may refuse to examine or, after examination, to certify as ineligible, applicants found to lack any of the established preliminary requirements for the examination for which they apply; or who are physically so disabled as to be rendered unfit for the performance of the duties of the position to which they seek appointment; or who are receiving a disability income from any source; or who are addicted to the use of drugs or the excessive use of intoxicating beverages; or who have been guilty of a misdemeanor involving moral turpitude or disgraceful conduct; or who have been convicted of a felony; or who have been dismissed from the public service for delinquency or misconduct; or who have intentionally made a false statement of any material fact; or who have practiced or attempted to practice any deception or fraud in their applications; or whose character, in the opinion of the Commission, is unsatisfactory. Any of the foregoing disqualifications shall be sufficient cause for removal of any appointee from the service pursuant to the laws and regulations provided, if ascertained within five years after appointment.

Section Three

Applications must be filed in the Office of the City Recorder during regular office hours¹, but not later than the date established by the Commission as the deadline, and shall be completed at that time.

¹ Monday through Friday, 8 AM until 5PM, excluding any holidays or announced closings.

Section Four

Any person who has or hereafter may resign under charges, or who has been or may hereafter be dismissed upon charges, shall not be admitted to examination for any position in the police service.

Section Five

No application for any position shall remain on file for more than two years from the date of application.

Section Six

Any applicant who fails to appear for an examination when notified by the City Recorder, by mail to the applicant's last known address, shall be disqualified from further examinations for one year, unless a reasonable excuse for such absence is given to the Commission of such.

Rule IV: Qualifications for Positions as Probationer Police Officers

Section One

All applicants for the position of probationer police officer shall, in addition to the general requirements of Rule III, comply with the following qualifications prior to submission of an application:

- (a) Be not less than eighteen (18) nor more than forty (40)² years of age at date of application.
- (b) Hold a high school diploma or G.E.D. certificate.
- (c) Be required to have been honorably discharged in the event of past previous military service.
- (d) Submit documentary proof of birth and education. DD 214 is required if the applicant has previous military service.
- (e) Must possess a valid operator's license from any state in the Union at the time of filing of the application.

- (f) Meet the residency requirements as outlined in Rule X.

Section Two

Each applicant shall be furnished with this Rule IV at the time he/she is given an application form.

Section Three

The provisions of Section One of this Rule shall be incorporated into any publication of notice of examination.

² As of 2011 WV State Legislation

Rule V: Selection Process for Position as Probationer Police Officer

Section One

The following selection process shall be used by the Commission to determine those candidates who are to be placed on the eligible list for appointment as probationer police officers. The Commission shall govern the selection process; however, several of the examination processes shall be conducted by the Chief of Police under the supervision of the Commission. At the conclusion of the selection process, a summary of all information and findings developed by the Chief of Police shall be presented to the Commission.

Written Examination

Applicants for appointment must pass, with a grade set by the Commission, a general proficiency test for police officers, which examination shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of employment sought. The Commission shall conduct the written examination using a test obtained by an independent certified testing service.

Physical Agility Screening Test

All applicants attaining a passing score on the written examination shall be required to pass, at the 40th percentile of fitness, a pass/fail screening for physical agility based upon the standards adopted by the Governor's Committee on Crime, Delinquency and Correction, as applicable to the law enforcement basic training academy. All applicants who possess a current certification by the Law Enforcement Training Commission of the said Governor's Committee on Crime, Delinquency and Correction shall be exempt from the provisions of this section.

Background Examination

Applicants for appointment who successfully pass the written examination must pass, to the satisfaction of the Commission, a background examination conducted by the Police Department. Each applicant must provide his fingerprints for submission to the West Virginia State Police and the Federal Bureau of Investigation to determine criminal record.

Oral Examination

All applicants for appointment who successfully pass the written examination must also pass, to the satisfaction of the Commission, an oral examination to be given by a Board comprised of

the Commission, the Chief of Police, the City Manager and one command police officer, appointed by the Chief of Police and approved by the Commission, evaluating each applicant on the qualities of honesty, alertness, appearance, communication skills, social adaptability, training and experience and general moral background.

Physiological Examination

The Commission, in its discretion, may require applicants for appointment who successfully pass the written examination to pass, to the satisfaction of the Commission, standard psychological examinations selected and approved by the Commission.

Polygraph Examination

The Commission, in its discretion, may require applicants who have successfully passed the foregoing examinations to submit to a polygraph examination to determine the applicant's level of integrity, moral attitudes and related background. The examination shall be limited to those matters which pertain to the applicant's capability of fulfilling the duties and responsibilities of a police officer. The examiner shall be an accredited polygraph examiner approved by the Commission, with a list of questions to be asked each applicant, approved by the Commission. The results of the polygraph examination shall be kept confidential, under the supervision of the Commission.

Physical Examination

Applicants for appointment who successfully pass the background examination must undergo a medical examination which shall be conducted under the supervision of a Board composed of two doctors of medicine appointed by the City Manager. Such Board must certify the applicant is free from any bodily or mental defects, deformity or disease which might incapacitate him/her from the performance of the duties, subject to limitations imposed by law.

Recruit Training School

All applicants selected for final employment as a probationary police officer shall complete, to the satisfaction of the Police Department and the Commission, the basic recruit school at the West Virginia State Police Academy after completion of one year of on-the-job training.

Rule X: Residency Requirements for Appointees to the Martinsburg Police Department

To ensure that an adequate number of personnel are available at all times and that off-duty police officers will be available for call-back with a reasonable response time in emergency situations, the City finds it necessary to require that its police officers reside no further than a specified distance from their work place. Consequently, the following residency requirements shall apply:

1. Any police officer employed by the City of Martinsburg with an appointment date after the effective date of these residency requirements³ shall establish and maintain his/her permanent physical residence within a twenty-five (25) mile radius of the Berkeley County Court House, located at the intersection of Queen and King Streets, Martinsburg, West Virginia and shall continue his/her permanent physical residence within the residency area for the entire period of his/her active employment with the Martinsburg Police Department.
2. Any police officer who does not reside within the area at the time of his appointment shall establish his/her physical permanent residence within the specified area within ninety (90) calendar days of the date he/she receives notice that he/she has been awarded regular employment status with Police Department. An extension of this period for a period of not to exceed ninety (90) calendar days may be granted by the Police Civil Service Commission upon receipt of a written request from the police officer requesting such an extension. Any such request will be considered by the Commission only upon sufficient evidence that strict enforcement of the requirement would present a substantial hardship on the police officer requesting the extension. In no case will the Commission delay the enforcement of this rule beyond a ninety (90) calendar day extension period.
3. Any and all disputes involving the enforcement of this rule shall be decided by the Commission.

³ June 28, 2004