

STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A scheduled meeting of the Buckhannon Fire Civil Service Commission was held in City Council Chambers at 70 East Main Street, on May 6, 2021 at 3:00pm with the following in attendance:

Abigail Benjamin	Commissioner-President	Present
Robert Parker	Commissioner	Present-by phone
Lanora Wentz	Commissioner	Present
Randy Sanders	City Recorder	Present
Amberle Jenkins	Assistant City Recorder	Present
Tom O'Neill	City Attorney	Present
Fire Chief	JB Kimble	Absent (due to a Fire Call)

Meeting Notice Posted 04/07/2021

Please join the meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/139731941>

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*City of Buckhannon Fire Civil Service Commission
Meeting Notice for Thursday, May 6, 2021 at 3:00PM At City Hall in the Council Chambers*

- A. Call to Order
 - A.1 Moment of Silence
 - A.2 Pledge to the Flag of the United States of America
- B. Strategic Issues for Discussion and/or Vote
 - B.1 Update the Rules and Regulations of the Firemen's Civil Service Commission
- C. Comments and Announcements
- D. Adjournment

Posted 04/07/2021

A. Call to Order

Chairman Benjamin called the meeting to order. City Attorney O'Neill suggested rescheduling the meeting so that the Fire Chief can attend.

B. Strategic Issues for Discussion and/or Vote
B.1 Update the Rules and Regulations of the Firemen's Civil Service Commission

Board Members would like to go over the list of items that the Fire Chief submitted to review.

Buckhannon Fire Department
Civil Service Handbook Update

- 1.03 Copies to made available: this should be handled when a new employee is given his/her benefits and job explanation by human resources
- 1.04 Amendments: copies should be given to all members above probationary rank in a timely manner to review before vote
- 4.12 Special rules applicable to eligible list for probationary firemen: should add the requirements for the new candidate physical agility test (CPAT)
- 4.12 Oral examination: should strike the % of score it involves, we give an interview but it does not alter the score
- 6.09 Number 3 we don't give promotional exam interviews, we need to add that we give 1 point for every year of service to the written exam score and the two need to total 70% or above to be a passing score
- 6.09 D numbers 1, 2, 3 need removed
- 10.03 number 2 probably needs removed and number 5 needs to be evaluated
- 10.04 Medical evaluation needs to be done using NFPA 1584 guidelines
- 10.05 do we need to add the mental eval??
- 8-15-17 needs updated reference to testing over 35 years old and residency requirements
- Holiday pay needs to be reviewed after the litigations in other cities 8-15-10

- **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

§8-15-17. Form of application; age and residency requirements; exceptions.

(a) The Firemen's Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post office address;

(2) His or her United States citizenship, age, and the place and date of his or her birth;

(3) His or her state of health, and his or her physical capacity for the public service;

(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information reasonably required, touching upon the applicant's qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service requires.

(d) Except as provided in subsections (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.

(f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

(g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: Provided, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: Provided, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

(h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

(i) Notwithstanding charter provisions to the contrary, any applicant for original appointment need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department.

The last two items requesting age and residency requirements and holiday pay need removed from the list to review. These subjects are not regulated by Civil Service .

4-12-a-3: Strike the oral examination testing – Needs removed as it is not part of the testing process.

4-12-d-1: The written examination is 100% of total weight for ranking purposes.

4-12-d-2: Strike the oral examination.

The Physical Agility tests needs added to section 4-12.

6-09-a-1: The competitive exam, will receive 1 point for each year of fire service. The total score for the written test and years of fire service, requires 70% score or greater to pass.

6-09-a-2: Need to check with the Fire Chief, otherwise, strike from rules.

6-09-a-3: Strike from the rules for an oral exam for promotion.

6-09-d-2: Strike-Oral examination.

Add 10-04-e: Require a psychological test to the rules.

Motion Benjamin/Wentz to refer these suggestions to Fire Chief Kimble. Motion carried.

Motion Benjamin/Wentz to schedule another meeting of the Fire Civil Service Commission. Motion carried.

Motion Wentz/Benjamin to adjourn at 3:25 pm.

Abigail Benjamin	Commissioner
Robert Parker	Commissioner
Lanora Wentz	Commissioner
Amberle Jenkins	Clerk/Assistant City Recorder