

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 132.02

EFFECTIVE DATE: 21 May 2024

**SUBJECT: CORRECTIONAL OFFICER
PROMOTION**

POLICY DIRECTIVE

PURPOSE:

To provide policy and procedure that ensures uniformity in the promotional selection process based on merit and specified qualifications for Correctional Officer positions.

REFERENCE:

143CSR1 Title 143 Legislative Rule of the WV Division of Personnel; WV Division of Personnel Policy DOP-P11 Posting of Job Openings; ACA Expected Practices 5-ACI-1C-10, 5-ACI-1C-11, 5-ALDF-7B-01, 3-JDF-1C-06, 3-JDF-1C-07, 4-JCF-6C-01, 1-JDTP-1C-09, 1-JDTP1C-10 and 2-CO-1C-13; and Prison Rape Elimination Act (PREA) §§115.17 and 115.317.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 132.02, dated 17 April 2024.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation. The selection process for the Chief Correctional Officer position (regardless of rank) in each facility will follow the Non-Officer Promotion Guidelines in DCR Policy Directive 132.00. This Policy is available for general distribution.

DEFINITIONS:

None.

POLICY:

- I. When a vacancy exists within a facility for the positions of Correctional Officer IV (Sergeant), Correctional Officer V (Lieutenant) or Correctional Officer VI (Captain), the Superintendent shall cause a written notice to be posted.
 - A. This notice shall be posted throughout the agency for a minimum of ten calendar days.
 - B. The notice shall include a description of the duties to be performed, the minimum qualifications for the position, the job class to be used in filling the job opening, the salary level or range that will be considered, the full-time equivalent for the position, and the job location.
 - C. Applicants must meet the minimum qualifications established for the position by the WV Division of Personnel and the Conditions of Employment and requirements for promotion as established by the Division of Corrections and Rehabilitation, at the closing date of the posting.
 - D. For an employee applying for a Correctional Officer promotion, each written reprimand shall result in reduction of one (1) merit-based point for one year from the date of the disciplinary action. An employee who has been suspended for disciplinary purposes shall be deemed ineligible for a Correctional Officer promotion for one (1) year from the date of the disciplinary action. An employee who has been demoted for disciplinary purposes shall be deemed ineligible for a Correctional Officer promotion for two (2) years from the date of the disciplinary action. Employees must be eligible at the time of the closing date of the posting. Items that have been removed as directed by policy and/or a legal proceeding cannot be considered as a part of this promotional process.
- II. If a current DCR employee or multiple employees, that are already of the same job class of the vacancy being filled are interested in the position, the employee or employees shall each submit a written request to transfer to the Superintendent at the facility where the vacancy exists with a courtesy copy to the employee's current Superintendent.
 - A. The Superintendent shall cause a review of all applicable personnel records to occur and shall interview the individual or individuals. These interviews may be conducted by the Superintendent and do not require a board or panel. Following the interviews and a review of all applicable personnel records for each individual, the Superintendent may select the most qualified candidate to fill the vacancy, thus ending the promotional process without the need to go further.
 - B. If after the above process takes place, the Superintendent decides not to select any of the incumbents to fill the vacancy, all other applicants will continue through the remainder of the promotion process as delineated herein.
- III. An examination, testing general correctional and leadership knowledge appropriate for the position involved, shall be developed for each classification covered by this policy.

- A. Exams for each rank (COIV through COVI) will be available in each facility on a quarterly basis. However, after a posting has closed, if there are applicants who have not tested, the Superintendent shall request the exam be made available prior to proceeding with the promotion process.
- B. The facility human resource department will verify each individual desiring to test has met the minimum qualifications for the position for which he or she intends to test. Individuals not meeting minimum qualifications will not test.
- C. Exams shall be proctored, graded, and maintained by the Bureau of Training and Staff Development.
- D. The individual's score on the exam will be active for one (1) year from the date of testing; however, if the individual determines to retest in order to achieve a higher score, the most recent test score will be considered in the promotional process.

IV. Merit-based points shall be assigned to each applicant according to the following criteria. The facility's Human Resource staff shall be responsible for completing the first four (4) sections on the Promotion Score Sheet (**Attachment #1**) on all eligible applicants. Interviews will then be scheduled for the top six (6) applicants receiving the highest merit-based score based on the years of service, college education points, exam, and supervisory recommendation. Applicants ranking 7th and beyond will not be interviewed for the posted position. If there are two (2) or less applicants for the position, the Superintendent may choose to re-post the position one (1) time only.

- A. One (1) point shall be assigned, with a maximum of twenty (20) points, for every full one (1) year of service, as of January 1 of the current year, of classified service with the WV Division of Corrections and Rehabilitation or the legacy agencies (Division of Corrections, Regional Jail Authority and/or Division of Juvenile Services) based on the posting closure date. Years of service excludes any period in which an employee is in a no-pay status such as unauthorized leave, leave of absence (personal, medical, or parental), or suspension, except periods of military service and leave without pay while receiving Workers' Compensation temporary total disability (TTD) benefits, which shall be counted as tenure.
- B. College education points shall be granted in accordance with the following schedule. It shall be the applicant's responsibility to provide a certified transcript from an accredited college or university. This certified transcript shall be attached.

Master's degree	6
Bachelor's degree	4
Associate degree	2

An applicant shall only qualify for points in one (1) category based on their highest degree achieved (e.g., an applicant with a bachelor's degree and a master's degree will only receive 6 points). Points will not be awarded for each of multiple degrees.

The American Council on Education (ACE) Military Evaluations Program will evaluate formal military training in terms of academic credit. It is the employee's responsibility to provide this type of documentation and if provided, the DCR will grant college credit points only for the purpose of this Policy based upon the official transcript. For more information Veterans are encouraged to visit www.acenet.edu/AM/Template.cfm?section=Military_Programs.

- C. Score on most recent promotional exam (30 points possible).
 - D. The applicant's Immediate Supervisor, a Reviewing Manager, and the Appointing Authority/designee shall record his/her ratings of the applicant on the Supervisory Recommendation (**Attachment #2**), page 1, 2, and 3, as appropriate.
- V. An interview panel consisting of three (3) members shall conduct a structured interview, evaluating each applicant subjectively and recording the results (30 points possible). Interpretation of the responses rests solely with each panel member's evaluation of the applicant's responses to the questions.
- A. Interview questions will be developed by the Superintendent and submitted to the Appropriate Assistant Commissioner for review prior to the interview.
 - B. The panel shall consist of:
 - 1. A uniformed supervisor from the facility where the vacancy exists. This individual must be of at least one (1) rank higher than the position being filled.
 - 2. A supervisor from the facility where the vacancy exists that is at least one (1) rank higher than the position being filled. This may be a non-uniformed supervisor.
 - 3. A uniformed supervisor from another DCR facility of equal or higher rank than the position being filled. It shall be the responsibility of the Superintendent to arrange this individual's participation through the Superintendent of that individual's facility.
 - 4. The highest-ranking uniformed supervisor on the panel from the facility where the vacancy exists shall serve as the chairperson.
 - C. All applicants shall be asked about misconduct utilizing the Sexual Misconduct Questionnaire as contained in the *DCR PREA Manual*. The applicant's response to those questions ensures that the DCR shall not hire anyone who may have contact with inmates or residents who:
 - 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997).
 - 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if

the victim did not consent or was unable to consent or refuse.

3. Has been civilly or administratively adjudicated to have engaged in the activity described above.
 - D. The DCR shall also consider any incident of sexual harassment in determining whether to hire anyone, who may have contact with inmates or residents.
 - E. A written exercise will be administered as part of the interview process (5 points possible).
 - F. The chairperson shall be responsible for filling in and totaling the scores for the interview and written exercise portions of the selection process on the Promotion Score Sheet.
 - G. The vacancy will be filled through the promotion of the applicant with the greatest point total. If after totaling all the scores, a tie exists between two (2) or more of the applicants, seniority based upon hire date within the DCR, or the legacy agencies shall prevail in the determination of the selection.
 - H. If the leading applicant should refuse the position, the next applicant in line for that position may be offered the position or the Superintendent may repost the position at his/her discretion
- VI. The Human Resource department/designee of the facility where the vacancy exists shall be responsible for the management of the promotion process. This shall include, but is not limited to:
- A. Reviewing applications for promotion and determining eligibility based on minimum qualifications established by the Division of Personnel and Conditions of Employment and requirements for promotion as established by the DCR.
 - B. Completing the first four (4) sections on the Promotion Score Sheet with verified information.
 - C. Notifying the top six (6) applicants in writing of the date and time of his or her scheduled interview and providing said schedule to the interview panel along with the applicants' applications, Promotion Score Sheets, and any supporting documentation.
 - D. Maintaining all documentation pertaining to each promotion selection in a confidential manner. A promotional file on each internal promotion action shall be maintained for a minimum of one (1) year after the effective date of the personnel action. At a minimum, the promotion file should contain or reference the location of the following:
 1. Copy of the Position Description
 2. Copy of the Job Vacancy Posting

3. Description of the knowledge, skills, abilities, or other factors used in evaluating candidates
 4. Description of any evaluation criteria, rating factors, tests, assessment procedures, or scoring plans used. Examples might include work sample exercises, written tests, online assessments, training and experience evaluations, skills checklists, rating guides, oral exam, interviews, performance tests, appraisal records, etc.
 5. Applications and any other documents used in evaluating candidates.
 6. Voluntary Equal Employment Opportunity (EEO data) should be collected or available and maintained separate from the applications and evaluation materials.
 7. Names of interview panel members.
 8. Candidate scores or numerical ratings.
 9. A list of the names of all candidates who applied and were considered.
 10. Name of candidate or candidates selected.
 11. Any other documents or information the agency deems relevant to the appointment decision.
- VII. Applicants will be allowed to review their Promotion Score Sheet upon written request to the Superintendent. Applicants can seek feedback from the chairperson of the interview panel as it relates to his/her interview following completion of the interview process.
- VIII. For positions within the DCR, scheduled interviews and promotional exams (and appropriate travel time if the interview or exam is not at the applicant's regular place of employment) shall be considered work time.
- IX. Position at any facility opened as a new facility are exempt from certain portions, as will be set forth by the Commissioner, for a period of up to one (1) year.
- X. Promotion selections must be made without regard to any non-merit factor such as race, color, sex, religion, national origin, ancestry, political affiliation, marital status, cultural identification, disability, age, or personal connection.

ATTACHMENT(S):

- #1 Promotion Score Sheet (2 pages)
- #2 Supervisory Recommendation (3 pages)

APPROVED SIGNATURE: William K. Marshall III May 21, 2024
William K. Marshall III, Commissioner **Date**

PROMOTION SCORE SHEET

Applicant's Name

Position Applied For

PART I – YEARS OF SERVICE

Original permanent employment date with DCR (or legacy agency): _____

1 point shall be assigned, with a maximum of 20 points, for every full year of service, as of January 1 of the current year, of permanent employment with the Division of Corrections & Rehabilitation or the legacy agencies (Division of Corrections, Regional Jail Authority, and/or Division of Juvenile Services), based on the posting closing date.

Total years of service - 20 points max. (1 for each year of service x _____ = _____)

Total Points – Part I _____

Part II - COLLEGE EDUCATION

Master's degree	6
Bachelor's degree	4
Associate degree	2

Verification must be provided by the applicant. An applicant shall only qualify for points in one category based on their highest degree (e.g., an applicant with a bachelor's degree and a master's degree will only receive 6 points). Points will not be awarded for each of multiple degrees.

Total Points – Part II _____

PART III – PROMOTION EXAM (30 points possible)

Total Points – Part III _____

Part IV – SUPERVISORY RECOMMENDATION

Total Points – Part IV _____

Each written reprimand in the preceding year shall result in the reduction of one (1) point.

Minus (-) points _____

Total Points – Parts I, II, III, and IV _____

Interviews will be scheduled for the top six (6) applicants receiving the highest merit-based score based on the exam, years of service college education, and supervisory recommendation points.

Signature Human Resource Staff/designee _____

Applicant's Name

Total Points – Parts I, II, III, and IV _____
(from Page 1)

PART V – INTERVIEW (30 points possible)

Total Points - Part V _____

PART VI – WRITTEN EXERCISE (5 points possible)

Total Points - Part VI _____

Grand Total _____
(211 points possible)

Signature Interview Panel Member _____

Signature Interview Panel Member _____

Signature Chairperson _____

Date _____

SUPERVISORY RECOMMENDATION

Page 1 Completed by Immediate Supervisor

Applicant's Name

Position Applied For

A. Dependability:

- 10. Good
- 5. Average
- 0. Poor

Total _____

B. Interpersonal Skills

0 – 10 Possible Points

Total _____

C. Displays Leadership Ability

- 10. Good Leadership Ability
- 5. Average Leadership Ability
- 0. Poor Leadership Ability

Total _____

D. Promotion Recommendation

- 10. Yes
- 5. Neutral
- 0. No

Total _____

Total A: _____

Total B: _____

Total C: _____

Total D: _____

Grand Total _____

Name _____ **Title** _____

Signature _____ **Date** _____

SUPERVISORY RECOMMENDATION

Page 2 Completed by Reviewing Manager

Applicant's Name

Position Applied For

A. Dependability:

- 10. Good
- 5. Average
- 0. Poor

Total _____

B. Interpersonal Skills

0 – 10 Possible Points

Total _____

C. Displays Leadership Ability

- 10. Good Leadership Ability
- 5. Average Leadership Ability
- 0. Poor Leadership Ability

Total _____

D. Promotion Recommendation

- 10. Yes
- 5. Neutral
- 0. No

Total _____

Total A: _____

Total B: _____

Total C: _____

Total D: _____

Grand Total _____

Name _____ **Title** _____

Signature _____ **Date** _____

SUPERVISORY RECOMMENDATION

Page 3 Completed by Appointing Authority or Designee

Applicant's Name _____ **Position Applied For** _____

A. Dependability:

- 10. Good
- 5. Average
- 0. Poor

Total _____

B. Interpersonal Skills

0 – 10 Possible Points

Total _____

C. Displays Leadership Ability

- 10. Good Leadership Ability
- 5. Average Leadership Ability
- 0. Poor Leadership Ability

Total _____

D. Promotion Recommendation

- 10. Yes
- 5. Neutral
- 0. No

Total _____

Total A: _____
Total B: _____
Total C: _____
Total D: _____

Grand Total _____

Name _____ **Title** _____

Signature _____ **Date** _____

Total Immediate Supervisor _____
Total Reviewing Manager _____
Total Appointing Authority _____

Total Points _____

(Enter under Part IV- Supervisory Recommendation, Attachment #1, Page 1)