

January 29, 2019

Fire Civil Service Meeting called to order

Chairman Mardis introduced the Hearing Board members:

Chief Rick Scott-Clarksburg Fire Department

FFC Andrew Dotson-Morgantown Fire Department

App II Brent Mergenthaler-Morgantown Fire Department

Hearing WV State Code 8-14A-3 for Jason Jacobs

Chairman Mardis stated that Apprentice Firemen Mr. Jacobs did not meet testing requirements as per the standard.

Chairman Mardis explained and clarified the 8.14A as being an investigative hearing for an 'accused officer' who is the subject of an investigation or interrogation which would result in punitive action against him.

Chairman Mardis explained and clarified the 8.15A1 as "All original appointments in a paid fire department subject to the civil service provisions of section sixteen, article fifteen, chapter eight of this code, made after June 12, 1987, shall enroll and complete the requirements as registered with the bureau of apprenticeship and training of the United States Department of Labor, for the craft of firefighting."

Chairman Mardis turned meeting over to the peer review board, Chief Scott stated that 8.15.16-A apprenticeship programs whereas- "Any paid municipal fire department has an apprenticeship program and the program has a final apprenticeship examination, an apprentice shall be terminated from employment after three unsuccessful attempts to pass the final apprenticeship examination. "This went into effect in 2003.

Mr. Jacobs stated his testing accommodations on the 3rd written attempt was moved to the new offices of RESA located at the Technical School in Clarksburg, WV. Mr. Jacobs stated he was placed in what he would call administrative offices, desks, phones ringing, bells ringing, kids running out. Stated was shaken, rattled, and flustered prior to testing with the constant distraction/reading questions and the amount of distractions felt could not get into a rhythm-knows the material and felt that his job performance would show he knows his job.

Chief Scott asked Mr. Jacobs if at the time of testing did Mr. Jacobs speak up and say something about the testing conditions or asked to be moved, Mr. Jacobs responded he didn't want to say that this was a bad atmosphere.

FFC Andrew Dotson asked Mr. Jacobs if he had written down any questions that he may have felt he had any questions or problems with-Mr. Jacobs stated one question.

Mr. Jacobs stated he had the weight of the world to take this exam within reasonable accommodations and felt that had he been at Co 3 then maybe there wouldn't have been interruptions, wanted to be sure that RESA knew of the interruptions. Felt that he would be overstepping in bounds if asked to be moved to quieter location, would like to take 4th test in quieter location to have better chance at succeeding.

FFC Dotson stated he didn't know if the Civil Service Commission would have the right to say he could have another chance to take the test. That he would need to appeal to the Statewide Apprenticeship Board.

Mr. Jacobs stated he felt he had impeccable record-wanted fair shake.

Chief Scott stated that the Statewide Apprenticeship Board had a very high pass rate he believed could think of only 2 that have ever failed he thought. Also stated that Fire Chiefs, Instructors and members work diligently to make sure tests and questions are valid-that answers can be found in text books.

Mr. Jacobs stated he had no problem with questions in that regard his concern was the testing facility with chaos and felt that wasn't way test should have happened.

Mr. Jacobs stated his test scores were 67,65 being lowest score.

Chief Scott said yes looks like you scored in the 60's all three times and would need 70 to pass.

Chief Scott stated he doesn't believe this board would be able to take any other steps in the process that he would need to appeal on other avenues.

Chairman Mardis asked Mr. Jacobs if he was only candidate testing that day, Mr. Jacobs responded yes.

Mr. Jacobs stated he doesn't understand how his life could hang in the balance on testing day and that he had tough odds to overcome.

Mr. Jacobs stated he would like further clarification on code 8.15.14-Rooms, stationery, etc., to be furnished by municipality appropriations required. If his interpretation of the code would pertain specifically the last sentence of the paragraph-"It shall be the duty of the officers of every such municipality to aid the commission in all proper ways in carrying out the civil service provisions of this article, and to allow the reasonable use of public buildings, and to heat and light the same, for holding examinations and investigations, and in all proper ways to facilitate the same." As read by Commissioner Noel Hoffman.

Chief Scott asked the Fire Chief of Morgantown what documentation he had provided: Chief Caravazos stated that he had compiled Mr. Jacobs test scores, a copy of the WV State Code, Morgantown Fire Department Civil Service Rules & Regulations, signed copy of Mr. Jacobs signed apprenticeship agreement, Copies of Mr. Jacobs online training record, and a copy of Mr. Jacobs termination letter.

Mr. Jacobs stated as soon as he got back he told his Duty Captain, Gary Freshour that it was a bad setting for an exam and that he thought he overcame.

Capt. Gary Freshour asked to speak-state he was Mr. Jacobs Duty Captain and he would like to paraphrase that Mr. Jacobs said, "pass or fail/good or bad going forward that guys shouldn't be put in that kind of position to test."

Mr. Jacobs stated if he doesn't get his job back that he hopes in future another person won't be subjected to that environment.

FFC Mitchell Beall asked to speak. He challenged it to be a fair opportunity that exam should be given in quiet place, free from distractions, that he felt this was ludicrous that testing should be quiet setting.

Chief Scott stated he didn't know where testing was but that as a Fire Fighter you know from Day 1- passing your final apprenticeship test in your number one goal and that the member should work hard everyday and that we would work hard for them to accomplish that, stated he never wants to see anyone fail.

Mr. Jacobs stated he worked hard also-knew the material-but was distracted.

Chief Scott said he felt he was ready to make his opinion heard and that he felt the City of Morgantown did nothing wrong in terminating Mr. Jacobs and he did not perform to the qualifications and expectations.

FFC Dotson stated he felt provisions were made for testing and that he felt all was adequate and would agree that the City of Morgantown was correct in the termination of Mr. Jacobs employment.

Mr. Jacobs said he wouldn't feel bad failing the test on his own accord but testing in the environment wasn't adequately controlled.

App Mergenthaler stated he felt hearing Board could not over ride State Code and he agrees with the City standing as well-also stated he felt bad but that he would be in the position to take the test in very short time.

Mr. Jacobs stated that state code conditions/sound decision to make same score every time.

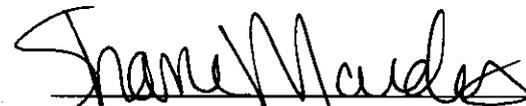
Chief Scott stated City was justified everyone gets nervous taking tests and that he rules unanimous City was correct in their judgement.

Chairman Mardis thanked the Hearing Board for their time and spoke to the Fire Fighters, that they were all Brothers, tasked with helping, promoting and growing each other on a daily basis. Chairman Mardis stated the City of Morgantown had done its due diligence and concluded.

Chairman Mardis recommended to Mr. Jacobs that he appeal any means necessary to make his voice heard. Wished Mr. Jacobs well in his future endeavors.

Meeting was adjourned.

Prepared by:
Sandra Dent


Mardis, FCSC President

Date Approved: 7-25-19

§8-15-14. Rooms, stationery, etc., to be furnished by municipality; appropriations required.

It shall be the duty of the mayor and the heads of the departments of government of every municipality having a paid fire department to cause suitable and convenient rooms and accommodations to be assigned and provided, furnished, heated and lighted for carrying on the work and examinations of the commission. The commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use. It shall be the duty of the officers of every such municipality to aid the commission in all proper ways in carrying out the civil service provisions of this article, and to allow the reasonable use of public buildings, and to heat and light the same, for holding examinations and investigations, and in all proper ways to facilitate the same.

All municipalities subject to the civil service provisions of this article are hereby required to appropriate sufficient funds for the purpose of carrying out such provisions.

§8-15-16a. Apprenticeship programs.

Any paid municipal fire department may have an apprenticeship program. If a paid municipal fire department has an apprenticeship program and the program has a final apprenticeship examination, an apprentice shall be terminated from employment after three unsuccessful attempts to pass the final apprenticeship examination. The provisions of this section apply to apprentices hired after March 31, 2003.

§8-15A-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

(a) "Bureau of apprenticeship and training" means the bureau of apprenticeship and training of the United States department of labor;

(b) "Certificate of certification" means a certificate issued by the bureau of apprenticeship and training stating that a person has complied with the standards set forth in this article;

(c) "Local training board" means the board of the local paid fire department required to be established by the standards set forth in section two of this article;

(d) "Municipality" means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

(e) "Paid fire department" means those paid fire departments established under the provisions of section nine, article fifteen, chapter eight of this code;

(f) "Professional firefighter" means those persons who are employed by a municipality in the state that has a paid fire department;

(g) "State" means the State of West Virginia;

(h) "State board" means the professional firefighters certification board of apprenticeship and training as established in section three of this article;

(i) "West Virginia professional fire chiefs association" means the association representing paid fire chiefs in the State of West Virginia; and

(j) "Professional firefighters of West Virginia" means the association representing paid firefighters in the State of West Virginia.

§8-14A-1. Definitions.

Unless the context clearly indicates otherwise, as used in this article:

(1) "Accused officer" means any police officer or firefighter who is the subject of an investigation or interrogation which results in a recommendation of punitive action against him or her.

(2) "Civil service," when followed by the terms "department," "officer" or "accused officer", means any department, officer or accused officer who is subject to the civil service provisions of article fourteen, chapter eight of this code or article fifteen, chapter eight of this code.

(3) "Hearing" means any meeting in the course of an investigatory proceeding, other than an interrogation at which no testimony is taken under oath, conducted by a hearing board for the purpose of taking or inducing testimony or receiving evidence.

(4) "Hearing board" means a board appointed to hold a hearing on a complaint against an accused officer. The hearing board shall consist of three members to be appointed pursuant to paragraph (a), (b) or (c) of this subdivision. Hearing board members appointed under paragraph (b) or (c) of this subdivision may be removed from office as provided under paragraph (d) of this subdivision.

(a) For civil service departments, the department chief shall appoint the first member, the members of the accused officer's department shall appoint the second member, and the first and second members shall appoint the third member by agreement. Should the first and second members fail to agree on the appointment of the third member within five days, they shall submit to the department's civil service commission a list of four qualified candidates from which list the commission shall appoint the third member. The appointment of members under this paragraph shall be subject to the following qualifications and limitations:

(1) No member shall have had any part in the investigation or interrogation of the accused officer;

(2) Each member shall be a police officer or firefighter within the accused officer's department, or, with the department chief's approval, a law-enforcement officer or firefighter from another law-enforcement agency or fire department;

(3) At least one member shall be of the same rank as the accused officer; and

(4) If there are fewer than three persons who meet the qualifications described in subparagraphs (1), (2) and (3) of this paragraph, then the department's civil service commission shall appoint as many citizens of the municipality in which the department is located as may be necessary to constitute the board.

(b) For noncivil service police departments, the hearing board shall be a standing hearing board. The department chief shall appoint the first member, the local fraternal order of police shall

appoint the second member, and the local chamber of commerce or local businessmen's association shall appoint the third member. If there is no local fraternal order of police, the state fraternal order of police shall appoint the second member. If there is no local chamber of commerce or local businessmen's association, the first and second members shall appoint the third member by agreement. Of the three original appointments in each police department, the first member shall serve for six years from the date of his or her appointment; the second member shall serve four years from the date of his or her appointment; and the third member shall serve for two years from the date of his or her appointment. After the original appointments, all appointments shall be made for periods of four years each by the designated appointing authority. In the event that any member shall cease to be a member due to death, resignation, final removal or other cause, a new member shall be appointed within thirty days of the date the ex-member ceased to be a member. This appointment shall be made by the officer or body who in the first instance appointed the member who is no longer a member. When the hearing board is appointed, the three members shall elect one of their number to act as president of the board, who shall serve as president for one year. In the event that a member has had a part in the investigation or interrogation of an accused officer or is related by consanguinity or affinity to an accused officer, that member shall be recused from participation in the accused officer's hearing. In such an instance, the officer or body who in the first instance appointed the recused member shall appoint another person for sole purpose of the accused officer's hearing. No member shall 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 shall any member serve on any political committee or take any active part in the management of any political campaign.

(c) For noncivil service fire departments, the hearing board shall be a standing hearing board. The department chief shall appoint the first member, the local international association of firefighters shall appoint the second member, and the local chamber of commerce or local businessmen's association shall appoint the third member. If there is no local international association of firefighters in the municipality, the local central body of the West Virginia Federation of Labor AFL-CIO shall appoint the second member. If there is no local central body of the West Virginia Federation of Labor AFL-CIO in the municipality, the West Virginia Federation of Labor AFL-CIO shall appoint the second member. If there is no local chamber of commerce or local businessmen's association, the first and second members shall appoint the third member by agreement. Of the three original appointments in each fire department, the first member shall serve for six years from the date of his or her appointment; the second member shall serve four years from the date of his or her appointment; and the third member shall serve for two years from the date of his or her appointment. After the original appointments, all appointments shall be made for periods of four years each by the designated appointing authority. In the event that any member shall cease to be a member due to death, resignation, final removal or other cause, a new member shall be appointed within thirty days of the date the ex-member ceased to be a member. This appointment shall be made by the officer or body who in the first instance appointed the member who is no longer a member. Each of the three members shall elect one of their number to act as president of the board, who shall serve as president for one year. In the event that a member has had a part in the investigation or interrogation of an accused officer or is related by consanguinity or affinity to an accused officer, that member shall be recused from participation in the accused officer's hearing. In such

an instance, the officer or body who in the first instance appointed the recused member shall appoint another person for the sole purpose of the accused officer's hearing. No member shall 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 shall any member serve on any political committee or take any active part in the management of any political campaign.

(d) Any member of a hearing board appointed under paragraph (b) or (c) of this subdivision may be removed as provided in this paragraph.

The mayor of the municipality may, at any time, remove any hearing board member for good cause, which shall be stated in writing and made a part of the records of the hearing board. However, within ten days of removing any member, the mayor shall file in the circuit clerk's office of the county in which the municipality is located a petition setting forth in full the reason for the removal and seeking the circuit court's confirmation of the mayor's removal of the member. The mayor shall file a copy of the petition with the removed member at the same time it is filed with the circuit clerk. The petition shall have precedence on the circuit court's docket and shall be heard as soon as practicable on the request of the removed member. All rights vested in a circuit court by this subsection 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 the petition is filed, and the judge thereof cannot be reached in the county in which the petition was filed, the petition shall be heard at the next succeeding circuit court term, whether regular or special, and the removed member shall remain removed until a hearing is held on the petition. The court or the judge thereof in vacation shall hear and decide the issues presented by the petition. The party affected adversely by the court's or judge's decision shall have the right to petition the Supreme Court of Appeals for a review of the decision as in other civil cases. If the mayor fails to file the petition with the circuit clerk's office within ten days as provided above, the removed member shall immediately resume his or her position as a hearing board member.

Any resident of the municipality shall have the right at any time to seek the removal of any hearing board member. To do so, the resident shall file a petition in the circuit clerk's office of the county where the municipality is located. The resident shall also serve a copy of the petition on the member sought to be removed. The petition shall be matured for hearing and heard by the circuit court or the judge thereof in vacation in the same manner as civil proceedings in the circuit courts of this state are heard. Any party adversely affected by the circuit court's or judge's decision shall have the right to petition the Supreme Court of Appeals for a review of the decision as in other civil cases.

(5) "Noncivil service," when followed by the terms "department," "officer" or "accused officer", means any department, officer or accused officer who is not subject to the civil service provisions of article fourteen, chapter eight of this code or article fifteen, chapter eight of this code.

(6) "Police officer or firefighter" or "officer" means any police officer or firefighter of a police or fire department employed by the city or municipality, but shall not include (a) the highest ranking officer of the police or fire department or (b) any noncivil service officer who has not

completed the probationary period established by the department by which he or she is employed.

(7) "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer for purposes of punishment.

(8) "Under investigation" or "under interrogation" means any situation in which any police officer or firefighter becomes the focus of inquiry regarding any matter which may result in punitive action.

§8-14A-2. Investigation and interrogation of a police officer or fireman.

When any police officer or fireman is under investigation and subjected to interrogation by his commanding officer, or any other member of the employing police or fire department, which could lead to punitive action, such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the police officer or fireman is on duty, or during his normal working hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the police officer or fireman being interrogated at any place other than his residence, such officer or fireman shall be compensated for such off-duty time in accordance with regular department procedure. If the interrogation of the police officer or fireman occurs during his regular duty hours, such officer or fireman shall not be released from employment for any work missed due to interrogation.

(2) Any police officer or fireman under investigation shall be informed of the nature of the investigation prior to any interrogation. Such officer shall also be informed of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three interrogators at one time shall question the officer or fireman under investigation.

(3) No police officer or fireman under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions.

(4) The complete interrogation of any police officer or fireman shall be recorded, either written, taped or transcribed. Upon request of the law-enforcement officer or fireman under investigation or his counsel, and upon advance payment of the reasonable cost thereof a copy of the record shall be made available to him not less than ten days prior to any hearing.

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any police officer or fireman, then that officer or fireman shall have the right to be represented by counsel who may be present at all times during such interrogation.

Nothing herein shall prohibit the immediate temporary suspension, pending an investigation, from duty of any police officer or fireman who reports for duty under the influence of alcohol or controlled substances which would prevent the officer or fireman from performing his duties as defined in chapter sixty-a of this code, or under the influence of an apparent mental or emotional disorder.

§8-14A-3. Hearing.

(a) Before taking any punitive action against an accused officer, the police or fire department shall give notice to the accused officer that he or she is entitled to a hearing on the issues by a hearing board or the applicable civil service commission. The notice shall state the time and place of the hearing and the issues involved and shall be delivered to the accused officer no later than ten days prior to the hearing.

(b) When a civil service accused officer faces a recommended punitive action of discharge, suspension or reduction in rank or pay, but before such punitive action is taken, a hearing board must be appointed and must afford the accused civil service officer a hearing conducted pursuant to the provisions of article fourteen, section twenty, or article fifteen, section twenty-five of this chapter: Provided, That the punitive action may be taken before the hearing board conducts the hearing if exigent circumstances exist which require it.

(c) When a civil service accused officer faces a recommended punitive action of written reprimand or transfer for the purpose of punishment, or when a noncivil service accused officer faces any recommended punitive action, the applicable hearing board shall conduct hearing pursuant to the provisions of subsection (d) of this section.

(d) The following requirements shall govern the operation conduct of a hearing board under subsection (c) of this section:

(1) The hearing board shall keep an official record of each hearing it conducts. The official record shall include the testimony offered and exhibits introduced at the hearing.

(2) Both the police or fire department and the accused officer shall be given ample opportunity to present evidence and argument with respect to any issue raised at the hearing.

(3) The hearing board may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts and other documents, in connection with any issue raised at the hearing.

(4) The hearing board shall prepare a written order detailing any decision or action it takes as a result of the hearing. The written order shall include written findings of fact setting forth a concise statement of the hearing board's factual findings and conclusions on each issue raised at the hearing. The hearing board shall hand-deliver or promptly mail a copy of the written order to the accused officer or his attorney of record.

(e) A hearing board's order is binding on all parties involved unless it is overturned in the appeal process described in section five of this article.

§8-14A-4. Right to refuse to disclose personal finances; exceptions.

No police officer or fireman shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures unless such information is obtained through proper legal procedures or is necessary for the employing agency to ascertain the desirability of assigning the police officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements might be offered.

§8-14A-5. Appeal.

(a) For civil service departments, a hearing board's decision rendered under subsection (b) or (c), section three of this article may be appealed by the police officer or firefighter adversely affected by the order or by the department chief if he or she believes that the department would be adversely affected by the hearing board's order. An appeal under this subsection shall be made to the applicable civil service commission. Any party aggrieved by the civil service commission's ruling on the appeal may further appeal the civil service commission's ruling pursuant to the provisions of subsection (b), section twenty, article fourteen of this chapter or subsection (b), section twenty-five, article fifteen of this chapter.

(b) For noncivil service departments, a hearing board's decision rendered under subsection (c), section three of this article may be appealed by the police officer or firefighter adversely affected by the order or by the department chief if he or she believes that the department would be adversely affected by the hearing board's order. An appeal under this subsection shall be made to the circuit court of the county in which the police officer or firefighter resides.

Note: WV Code updated with legislation passed through the [2017 Regular Session](#)

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15A. STANDARDS FOR PROFESSIONAL FIREFIGHTERS TRAINING; REGISTERED APPRENTICESHIP AND CERTIFICATION.

§8-15A-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

- (a) "Bureau of apprenticeship and training" means the bureau of apprenticeship and training of the United States department of labor;
- (b) "Certificate of certification" means a certificate issued by the bureau of apprenticeship and training stating that a person has complied with the standards set forth in this article;
- (c) "Local training board" means the board of the local paid fire department required to be established by the standards set forth in section two of this article;
- (d) "Municipality" means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;
- (e) "Paid fire department" means those paid fire departments established under the provisions of section nine, article fifteen, chapter eight of this code;
- (f) "Professional firefighter" means those persons who are employed by a municipality in the state that has a paid fire department;
- (g) "State" means the State of West Virginia;
- (h) "State board" means the professional firefighters certification board of apprenticeship and training as established in section three of this article;
- (i) "West Virginia professional fire chiefs association" means the association representing paid fire chiefs in the State of West Virginia; and
- (j) "Professional firefighters of West Virginia" means the association representing paid firefighters in the State of West Virginia.

§8-15A-2. Original appointments.

All original appointments in a paid fire department subject to the civil service provisions of section sixteen, article fifteen, chapter eight of this code, made after June 12, 1987, shall enroll and complete the requirements as registered with the bureau of apprenticeship and training of the United States department of labor, for the craft of fire fighting.

§8-15A-3. Professional firefighters certification board of apprenticeship and training.

(a) A professional firefighters certification board of apprenticeship and training is hereby created and assigned responsibility for review of programs and standards, for training of apprenticeship and certification of professional firefighters in the state. The state board shall be comprised of five members including two representatives appointed by each of the following: The professional firefighters of West Virginia; the West Virginia professional fire chiefs association, and one representative from the bureau of apprenticeship and training of the United States department of labor.

(b) The state board shall elect a chairperson. Meetings may be held upon the call of the chairperson. A majority of the members of the state board constitutes a quorum.

§8-15A-4. Duties of the professional firefighters certification board of apprenticeship and training.

The professional firefighters certification board of apprenticeship and training shall, by or pursuant to rule or regulation:

(a) Establish standards governing the quality of training of paid fire departments in the state pursuant to section two of this article.

(b) Establish the level of skill required for certification.

(c) Adopt procedures for the local training board to follow in securing certification of a paid firefighter by the bureau of apprenticeship and training of the United States department of labor.

(d) Certify the paid firefighter as provided in section five of this article and request a certificate of certification from the bureau of apprenticeship and training of the United States department of labor to the person that has qualified.

§8-15A-5. Certification requirements.

Standards for certification must meet or exceed those of the National Fire Protection Association Standards No. 1001 as amended and updated from year to year.

§8-15A-6. Review of certification.

The state board shall annually review the training curriculum of local training boards offered pursuant to the provisions of this article, and shall make recommendations to improve the quality and sufficiency of training to secure certification of paid firefighters.

§8-15A-7. Compliance.

The state board shall ensure employer and employee compliance with this article. The chief of the paid fire department and the local training board shall see and assure compliance with all established criteria.

The provisions of this article shall be liberally construed to accomplish its objectives and purposes.



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7434 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

January 23, 2019

Mr. Jason Jacobs
9 Sirockman Drive
Morgantown, WV 26508

Dear Mr. Jacobs:

Your request for a hearing, submitted in writing on January 15, 2019, in response to your January 2019, termination, has been forwarded to the City of Morgantown's City Clerk for response. You are specifically requesting a hearing pursuant to West Virginia State Code §8-14A-3.

Code §8-14A-1 states "Hearing" means any meeting in the course of an investigatory proceeding, other than an interrogation at which no testimony is taken under oath, conducted by a hearing board for the purpose of taking or inducing testimony or receiving evidence. Accordingly, Article 14A, sets forth the procedures in Section 4 for establishing a hearing board. The hearing board shall consist of three members to be appointed pursuant to paragraph (a), (b) or (c) of this subdivision. Hearing board members appointed under paragraph (b) or (c) of this subdivision may be removed from office as provided under paragraph (d) of this subdivision. The department chief shall appoint the first member, the members of the accused officer's department shall appoint the second member, and the first and second members shall appoint the third member by agreement. Should the first and second members fail to agree on the appointment of the third member within five days, they shall submit to the department's civil service commission a list of four qualified candidates from which list the commission shall appoint the third member. For your reference, a copy of Code §8-14A can be found at <http://www.wvlegislature.gov/WVCODE/Code.cfm?chap=08&art=14A#14A>.

A hearing has been scheduled for Tuesday, January 29, 2019, at 10:00 a.m. in the City Hall Council Chambers. Please file a written answer to the City Clerk's office advising your

Mr. Jason Jacobs

intent to attend the January 29, 2019, hearing. For any questions, please contact me at the above listed telephone number or via email at <cwade@morgantownwv.gov>.

Sincerely,



Christine M. Wade
City Clerk

cmw

cc: file



FIRE DEPARTMENT
ADMINISTRATIVE OFFICES
BUSINESS PHONE
(304) 284-7480

The City of Morgantown
West Virginia



300 SPRUCE STREET
MORGANTOWN, W.V. 26505
FAX: (304) 284-7503

To: Morgantown Fire Department Civil Service Commission
From: Chief Caravasos
RE: FF Jason Jacobs Hearing Documentary Evidence:
WV State Code 8-15-16a
Morgantown Fire Department Civil Service Commission Rules & Regulations
Copy of Mr. Jacobs personal information showing hiring date
Copies of Mr. Jacobs Test Scores from WV Public Service Training
Copy of Mr. Jacobs signed apprenticeship agreement
Copy of Mr. Jacobs online training record – Jones & Bartlett Learning NAVIGATE
Copy of Mr. Jacobs termination letter

Date: January 16, 2019

WV State Code §8-15-16a. Apprenticeship programs:

Any paid municipal fire department may have an apprenticeship program. If a paid municipal fire department has an apprenticeship program and the program has a final apprenticeship examination, an apprentice shall be terminated from employment after three unsuccessful attempts to pass the final apprenticeship examination. The provisions of this section apply to apprentices hired after March 31, 2003.

Morgantown Fire Department Civil Service Commission Rules & Regulations:

68. You will be required to enroll in an apprenticeship agreement and complete the 6,000 hour program.

Back To List



- Personal Info
- Security
- Contact Info
- Notes
- History
- Certifications

Personal Information

Personnel: Jacobs, Jason S. Rank: Apprentice Firefighter II Stations: 1 - South Side

Save

Save and Add Another User

Identification

First Name Jason

Middle Initial(s) S.

Last Name Jacobs

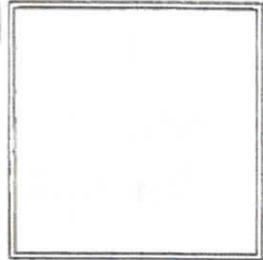
Gender

Male

Female

Not Known

Upload new picture >



Race and Ethnicity White Not Hispanic or Latino

Date of Birth 02/05/1981

Social Security Number 210-60-1272

Rank Apprentice Firefighter II

Division Supression

Shift B

Station 1 - South Side

Agency Personnel ID 2533

Status Active

Fit For Duty Full Duty

Driver's License Number FB93650

Driver's License State West Virginia

State EMS ID

EMS Certification Level See Certification Tab

State Training ID

Time Card Code

State Training Instructor ID

Start Date 03/16/2015

Yesterday | Today

Pay Grades

Default Training Pay Grade App FF II - \$10.80

Default Working Pay Grade App FF II - \$10.80

Default Event Pay Grade

Monthly Stipend \$

Save

Save and Add Another User

WYFFAB Test 2016 Wednesday, February 28, 2018

ID	Student Name	Type	V	Points	%	Cl
1272	JACOBS, J S		1	67.00	67.00	

WVPPFAB Test 2016 Monday, April 23, 2018

ID	Student Name	Type	Y	Points	%	Grade	Q1	C1
1272	JACOBS, J S		0	65.00	66.00	F		

APPRENTICESHIP AGREEMENT

Parties

This arrangement, entered into this 16th day of March, 20 15, between the City of Morgantown, hereinafter referred to as the Employer, and Jason Jacobs (name of apprentice) born 02 : 05 : 1981, referred to as Apprentice. (month) (day) (year)

Consideration

WITNESSETH that the Employer and Apprentice desire to enter into an agreement of apprenticeship and therefore, in consideration of the premises and of the mutual covenants herein contained, do hereby mutually covenant and agree as follows.

That the Employer shall employ and train the Apprentice the trade or craft of Firefighting in conformity with the terms and conditions set forth in "Local Apprenticeship and Training Standards for the Firefighters" which document is made a part hereof;

That the Apprentice shall perform, diligently and faithfully, the work of the trade or craft during the period of apprenticeship, in conformity with the terms and conditions set forth in "Local Apprenticeship and Training Standards for the Firefighter" which by reference is made a part hereof;

Term of Apprenticeship

That the apprenticeship term begins on the 16th day of March, 20 15, and terminates upon

WVPPFAB Test 2016 Thursday, January 10, 2019

ID	Student Name	Type	V	Points	%	Grade	[?]	Cl
1272	JACOBS, J S		1	66.00	66.00	F		

[Signature]
(Apprentice Signature)
548, least street
Greenville, PA, 15417
(Address)

City of Morgantown Fire Department
(Employer)
300 Spruce St., Morgantown, WV 26505
(Address)
[Signature]
(Officer Signature)

Approved on behalf of the Morgantown Fire Department Joint
Apprenticeship Committee.

by *[Signature]*
(Chairperson)

on 3/16, 2015.

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Choose an action ... ▼

Grader report

First name / Last name ↑

 Eugene Deem	
 Jason Jacobs	
Overall average	

 Chapter 06 eFolio ⁺

 Chapter 07 eFolio ⁺

 Chapter 08 eFolio ⁺

 Chapter 09 eFolio ⁺

 Chapter 10 eFolio ⁺

 Chapt

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Grader report

First name / Last name ↑	Chapter 11 eFolio ⚡	Chapter 12 eFolio ⚡	Chapter 13 eFolio ⚡	Chapter 14 eFolio ⚡	Chapter 15 eFolio ⚡	Chapt
 Eugene Deem	-	-	-	-	-	-
 Jason Jacobs	-	-	-	-	-	-
Overall average	-	-	-	-	-	-

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Grader report

First name / Last name ↑	Chapter 16 efolio *	Chapter 17 efolio *	Chapter 18 efolio *	Chapter 19 efolio *	Chapter 20 efolio *	Chapter 21 efolio *	Chapter 22 efolio *	Chapter 23 efolio *	Chapter 24 efolio *
Eugene Deem									
Jasen Jacobs									
Overall average									

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Morgantown FD FF Premier -- Spring 2015 A (Daem - 363C62) > Grades > View > Grader report

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Choose an action ...

Grader report

First name / Last name

Eugene Daem

Jasen Jacobs

Overall average

- Chapter 25 efolio
- Chapter 26 efolio
- Chapter 27 efolio
- Chapter 28 efolio
- Chapter 29 efolio
- Chapter 30 efolio
- Chapter 31 efolio
- Chapter 32 efolio
- Chapter 33 efolio

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Choose an action

Grader report

First name / Last name

Eugene Deem

Jason Jacobs

Overall average

- Chapter 24 efolio
- Chapter 25 efolio
- Chapter 26 efolio
- Chapter 27 efolio
- Chapter 28 efolio
- Chapter 01 Interactive Lecture
- Chapter 02 Interactive Lecture
- Chapter 03 Interactive Lecture

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Grade Data for this page

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Choose an action ...

Grader report

First name / Last name

Eugene Deem

Jason Jacobs

Overall average

- Chapter 04 Interactive Lecture
- Chapter 05 Interactive Lecture
- Chapter 06 Interactive Lecture
- Chapter 07 Interactive Lecture
- Chapter 08 Interactive Lecture
- Chapter 09 Interactive Lecture

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Choose an action ...

Grader report

First name / Last name

Eugene Deem

Jason Jacobs

Overall average

- Chapter 10 Interactive Lecture
- Chapter 11 Interactive Lecture
- Chapter 12 Interactive Lecture
- Chapter 13 Interactive Lecture
- Chapter 14 Interactive Lecture
- Chapter 15 Interactive Lecture

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Choose an action:

Grader report

First name / Last name ▾

Eugene Deem

Jason Jacobs

Overall average

- Chapter 16 Interactive Lecture
- Chapter 17 Interactive Lecture
- Chapter 18 Interactive Lecture
- Chapter 19 Interactive Lecture
- Chapter 20 Interactive Lecture
- Chapter 21 Interactive Lecture

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Morgantown FD FF Premier -- Spring 2015 A (Deem - 363C62) > Grades > View > Grader report

Choose an action ...

Grader report

Turn editing on

First name / Last name

Eugene Deem

Jaron Jacobs

Overall average

- Chapter 22 Interactive Lecture
- Chapter 23 Interactive Lecture
- Chapter 24 Interactive Lecture
- Chapter 25 Interactive Lecture
- Chapter 26 Interactive Lecture
- Chapter 27 Interactive Lecture

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Choose an action: [dropdown]

Grader report

First name / Last name

Eugene Deem

Jason Jacobs

Overall average

- Chapter 28 Interactive Lecture
- Chapter 29 Interactive Lecture
- Chapter 30 Interactive Lecture
- Chapter 31 Interactive Lecture
- Chapter 32 Interactive Lecture
- Chapter 33 Interactive Lecture

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Morgantown ED FF Premier -- Spring 2015 A (Deem - 363652) > Grades > View > Grader report

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Grader report

First name / Last name

Eugene Deem

Jason Jacobbe

Overall average

Chapter 34 Interactive Lecture Chapter 35 Interactive Lecture Chapter 36 Interactive Lecture Chapter 37 Interactive Lecture Chapter 38 Interactive Lecture 5 month quit 10 MONTH TES

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Grader report

First name / Last name ↓	10 MONTH TEST	6 month test	1 year test	2 year test	JUNE 28 EXAM	June 30 exam	JULY 2 EXAM	JULY 1				
Eugene Deem							74.00	83.00	81.00	85.00	80.95	84.62
Jason Jander							74.00	83.00	81.00	85.00	80.95	84.62
Overall average												

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Morgantown FD FF Premier - Spring 2015 A (Deem - 363C62) > Grades > View > Grader report

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Grader report

First name / Last name ↓	JULY 19 EXAM ⚡	JULY 21 EXAM ⚡	JULY 23 EXAM ⚡	JULY 25 EXAM ⚡	JULY 25 EXAM #1 ⚡	JULY 27 EXAM ⚡	AUGUST 18 EXAM ⚡	AUGUST 21 EXAM ⚡	AUGUST 30 EXAM ⚡	NO
Eugene Deem										
Jason Jacobs	60.00	63.33	65.00	70.00	86.00	71.43				
Overall average	60.00	63.33	65.00	70.00	86.00	71.43				

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Grader report

First name / Last name	NOVEMBER 13 EXAM	NOVEMBER 13 EXAM 2	NOVEMBER 14 EXAM 1	NOVEMBER 14 EXAM 2	NOVEMBER 15 EXAM 1	NOVEMBER 15 EXAM 2	NOVEMBER 18 EXAM 1	CHAPTER 18
Eugene Deem								
Jason Jacobs								
Overall average								

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Choose an action ...

Grader report

First name / Last name ↓

Eugene Deem

Jason Jacobs

Overall average

- CHAPTER 19
- CHAPTER 20
- CHAPTER 21
- CHAPTER 22
- CHAPTER 23
- CHAPTER 24
- CHAPTER 25
- CHAPTER 26
- CHAPTER 27
- CHAPTER 28
- CHAPTER 2

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Grader report

First name / Last name 1

Eugene Deem

Jason Jacobs

Overall average

- CHAPTER 29
- CHAPTER 30
- CHAPTER 31 EXAM
- Chapter 32 exam
- Chapter 33 exam
- Chapter 34 exam
- Chapter 35 exam
- Chapter 36
- Chapter 37
- Chapter 38

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► Morgantown FD FF Premier -- Spring 2015 A (Deem - 363C62) ► Quizzes

[Edit questions](#)

Section	Name	Quiz closes	Attempts
	5 month quiz		
	10 MONTH TEST		
	6 month test		
	6 month test		
	6 month test	Friday, October 16, 2015, 08:00 AM	
	6 month test		Attempts: 1
	1 year test	Wednesday, January 23, 2019, 08:00 AM	Attempts: 1 (2 from your groups)
	2 year test	Saturday, January 5, 2019, 08:00 AM	Attempts: 1
	JUNE 28 EXAM	Tuesday, February 5, 2019, 02:50 PM	Attempts: 2
	June 30 exam	Friday, March 1, 2019, 10:50 AM	Attempts: 1
	JULY 2 EXAM	Saturday, February 2, 2019, 02:25 PM	Attempts: 1
	JULY 19 EXAM	Tuesday, February 19, 2019, 08:35 AM	Attempts: 1
	JULY 21 EXAM	Sunday, January 20, 2019, 12:40 PM	Attempts: 1
	JULY 23 EXAM	Saturday, February 23, 2019, 08:30 AM	Attempts: 1
	JULY 25 EXAM	Sunday, February 24, 2019, 12:20 PM	Attempts: 1
	JULY 25 EXAM, #2	Monday, February 25, 2019, 08:10 AM	Attempts: 1
	JULY 27 EXAM	Wednesday, February 27, 2019, 10:10 AM	Attempts: 1
	AUGUST 15 EXAM	Friday, February 15, 2019, 07:50 AM	Attempts: 1
	AUGUST 21 EXAM	Thursday, February 21, 2019, 07:05 AM	Attempts: 1
	AUGUST 30 EXAM	Wednesday, January 30, 2019, 07:15 AM	Attempts: 1
	NOVEMBER 13 EXAM	Friday, February 1, 2019, 07:35 AM	Attempts: 1
	NOVEMBER 13 EXAM 2	Sunday, March 3, 2019, 07:40 AM	Attempts: 1
	NOVEMBER 14 EXAM 1	Thursday, January 31, 2019, 11:20 AM	Attempts: 1
	NOVEMBER 14 EXAM 2	Thursday, January 31, 2019, 11:25 AM	Attempts: 1
	NOVEMBER 15 EXAM 1	Thursday, January 31, 2019, 10:25 AM	Attempts: 1
	NOVEMBER 15 EXAM 2	Thursday, January 31, 2019, 10:30 AM	
	NOVEMBER 19 EXAM 1	Thursday, January 31, 2019, 10:40 AM	Attempts: 1
	CHAPTER 18	Saturday, January 26, 2019, 10:55 AM	Attempts: 1

CHAPTER 19	Saturday, January 26, 2019, 11:00 AM	Attempts: 1
CHAPTER 20	Saturday, January 26, 2019, 11:00 AM	Attempts: 1
CHAPTER 21	Saturday, January 26, 2019, 11:00 AM	Attempts: 1
CHAPTER 22	Saturday, January 26, 2019, 11:00 AM	Attempts: 1
CHAPTER 23	Tuesday, January 29, 2019, 11:00 AM	Attempts: 1
CHAPTER 24	Tuesday, January 29, 2019, 11:00 AM	Attempts: 1
CHAPTER 25	Tuesday, January 29, 2019, 11:05 AM	
CHAPTER 26	Tuesday, January 29, 2019, 11:10 AM	Attempts: 1
CHAPTER 27	Thursday, January 31, 2019, 10:25 AM	Attempts: 1
CHAPTER 28	Saturday, January 12, 2019, 10:10 AM	Attempts: 1
CHAPTER 29	Saturday, January 12, 2019, 10:10 AM	Attempts: 1
CHAPTER 30	Saturday, January 12, 2019, 10:15 AM	Attempts: 1
CHAPTER 31 EXAM	Sunday, January 13, 2019, 01:25 PM	Attempts: 1
Chapter 32 exam	Sunday, January 13, 2019, 05:10 PM	Attempts: 1
Chapter 33 exam	Monday, January 14, 2019, 08:05 AM	Attempts: 1
Chapter 34 exam	Monday, January 14, 2019, 08:15 AM	Attempts: 1
Chapter 35 exam	Monday, January 14, 2019, 08:20 AM	Attempts: 1
Chapter 36	Monday, January 14, 2019, 08:25 AM	Attempts: 1
Chapter 37	Monday, January 14, 2019, 08:30 AM	Attempts: 1
Chapter 38	Saturday, January 19, 2019, 11:05 AM	Attempts: 1

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FIRE DEPARTMENT
ADMINISTRATIVE OFFICES
BUSINESS PHONE
(304) 284-7480

The City of Morgantown
West Virginia



300 SPRUCE STREET
MORGANTOWN, W.V. 26505
FAX: (304) 284-7503

To: FF Jason Jacobs
From: Chief Caravasos
RE: Failure of Apprenticeship Test
Date: January 15, 2019

I am sorry to relay to you that you have failed to pass your third attempt at the West Virginia State Apprenticeship Program Journeyman's Test. Your final score was 66%. As per West Virginia State Code 8-15-16 (a), failure of this test after three attempts results in termination of your position with the Morgantown Fire Department. This termination is effective as of 12:00 hours, January 15, 2019.

§8-15-16a. Apprenticeship programs.

Any paid municipal fire department may have an apprenticeship program. If a paid municipal fire department has an apprenticeship program and the program has a final apprenticeship examination, an apprentice shall be terminated from employment after three unsuccessful attempts to pass the final apprenticeship examination. The provisions of this section apply to apprentices hired after March 31, 2003.

It is with a heavy heart that I must forward you this unfortunate news and termination letter.

You are ordered to return all department property issued to you. This is to include any badges, radios, identification and personal protective equipment. You may return these items to Capt. Deem following the removal of personal items in your locker.

Questions concerning this memo may be directed to my office. If you are so inclined, I have arranged an opportunity for you to review your final test at the Public Service Training office in Clarksburg. You will be allowed to bring review material to confirm the results of the test. Review of the test is optional and at your own time and expense. If you are interested in following up on this opportunity, please contact my office.

Additionally, as per WV State Code §8-15-25, you have the right to request a hearing in front of the Morgantown Fire Department Civil Service Board if you wish to dispute this action. To preserve this right, you must file a written petition with the Fire Civil Service Commission within ten days of this notice.

Attachments:

Test Score Results – Wednesday, Feb. 28, 2018
Monday April 20, 2018
Thursday, January 9, 2019

Copy of Employment Agreement – Apprenticeship Program

WVPPFAB Test 2018 Wednesday, February 28, 2018

ID	Student Name	Type	V	Points	%	Cl
1272	JACORS, JS		1	67.00	67.00	

WVPPFAB Test 2016 Monday, April 23, 2016

ID	Student Name	Type	V	Points	%	Grade	[?]	C1
1272	JACOBS, JS		0	65.00	66.00	F		

WVFFAB Test 2015 Thursday, January 10, 2019

JD	Student Name	Type	V	Points	%	Grade	[?]	CI
1272	JACOBS, J S		1	66.00	66.00	F		