WEST VIRGINIA CODE: §29-6-4

§29-6-4. Classified-exempt and exempt service; exemptions.

(a) The following offices and positions are exempt from the Division of Personnel:

(1) All judges, officers, and employees of the judiciary;

(2) All members, officers, and employees of the Legislature;

(3) All officers elected by popular vote, those persons appointed to the positions, and all employees of those officers including all employees of the constitutional officers listed in section one, article VII of the constitution of this state;

(4) All secretaries of departments and employees within the office of a secretary pursuant to §5F-2-2(a)(1) of this code;

(5) Members of boards and commissions and heads of departments appointed by the Governor or heads of departments selected by commissions or boards when expressly exempt by law or board order;

(6) Patients or inmates employed in state institutions;

(7) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature or a committee of the Legislature, an executive department, affiliated county or municipal agency, or by authority of the Governor;

(8) All employees of the office of the Governor, including all employees assigned to the executive mansion;

(9) Temporary employees;

(10) Members and employees of the board of trustees and board of directors or their successor agencies; and

(11) Uniformed personnel of the State Police.

(b) The following offices and positions, in addition to those specifically made classified-exempt by statute, are in the classified-exempt service:

(1) One principal assistant or deputy and one private secretary for each board or commission or head of an agency elected or appointed by the Governor or Legislature, unless specifically provided otherwise by statute;

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(2) All policy-making positions, which includes all Deputy Commissioners within the Department of Health and Department of Human Services, unless specifically provided otherwise by statute;

(3) Part-time professional personnel engaged in professional services without administrative duties;

(4) Any person hired as an attorney beginning July 1, 2022; and

(5) Any employee transferred into the classified-exempt service pursuant to any other provision of this code.

(d) The Legislature finds that the holding of political beliefs and party commitments consistent or compatible with those of the Governor contributes in an essential way to the effective performance of and is an appropriate requirement for occupying certain offices or positions in state government, such as the secretaries of departments and the employees within their offices, the heads of agencies appointed by the Governor and, for each such head of agency, a private secretary and one principal assistant or deputy, all employees of the office of the Governor including all employees assigned to the executive mansion, as well as any persons appointed by the Governor to fill policy-making positions, in that those offices or positions are confidential in character and require their holders to act as advisors to the Governor or the Governor's appointees, to formulate and implement the policies and goals of the Governor or the Governor's appointees, or to help the Governor or the Governor's appointees communicate with and explain their policies and views to the public, the Legislature, and the press.

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