

## WEST VIRGINIA CODE: §29-6-9

### **§29-6-9. Civil service commission abolished; transfer of duties and responsibilities; rule of construction; transfer of employees, equipment, and records; continuation of programs, protections and rules.**

(a) The civil service commission is hereby abolished. All duties and responsibilities heretofore imposed upon the civil service commission are hereby imposed upon the state personnel board, and all duties and responsibilities heretofore imposed upon the director of the civil service system are hereby imposed upon the director of the Division of Personnel. Except as used in this section, the words "civil service commission" or "commission," when used in this article, shall refer to and mean the state personnel board. Whenever reference is made to the director of the civil service commission, the power or duty prescribed shall apply to the director of the Division of Personnel.

(b) Persons employed on the effective date of this article by the civil service commission, the duties and functions of which have been transferred to the Division of Personnel, are hereby assigned and transferred to the Division of Personnel. It is the intent of this article to consolidate into the Division of Personnel those agencies and employees performing personnel functions which will be facilitated by their consolidation, except as excluded in section four of this article. On the effective date of this article, all personnel payroll positions and employees occupying those positions necessary to effectuate the purposes of this article shall be transferred to the Division of Personnel: Provided, That in order to provide for a smooth transition, the Governor may, by executive order, determine those positions and employees that shall be transferred and provide that the transfers provided for in this subsection take effect no later than September 30, 1989.

(c) Upon the transfer, if any, of any personnel payroll positions as provided in subsection (b) of this section from the Division of Highways, the Division of Motor Vehicles, the workers' compensation fund, the Public Service Commission, or any other department or division operating from special revenue funds or federal funds, such department or division shall pay to the Division of Personnel the costs of personnel services, as determined by the secretary of the Department of Administration, provided to their respective divisions. When no specific appropriation is made for this purpose, such payments shall be made from personal services, annual increment, and employee benefit appropriations to the department or division. Upon the transfer of any personnel payroll positions to the Division of Personnel from any department or division funded from general revenues of the state, the Governor is authorized and empowered to order the transfer of funds for those positions.

(d) The abolishment of the civil service commission and the creation of the Division of Personnel shall in no way hinder any ongoing programs, benefits, litigation, or grievance procedures. Employees in the classified service who have gained permanent status as of the effective date of this article will not be subject to further qualifying examination by reason of any transfer required by the provisions of this section, except when they wish to qualify for

promotion. Nothing contained in this section shall be construed to abridge the rights of employees within the classified service of the state to the procedures and protections set forth in sections ten and ten-a of this article, except as provided in subsection (d), section two, article two, chapter five-f of this code.

(e) On the effective date of this article, all equipment and records necessary to effectuate the purposes of this article shall be transferred to the Division of Personnel: Provided, That in order to provide for a smooth transition, the Governor may, by executive order, determine the equipment and records to be transferred and provide that the transfers provided for in this subsection take effect no later than September 30, 1989.

(f) The rules of the civil service commission shall remain in force and effect until promulgation of new or additional rules by the state personnel board.

(g) Nothing contained in this article shall be construed to preclude the reclassification or reallocation of positions in accordance with procedures set forth in section ten of this article.