WEST VIRGINIA CODE CHAPTER 29 ARTICLE 6

WV Legislature

§29-6-1. General purpose.

(a) The general purpose of this article is to attract to the service of this state personnel of the highest ability and integrity by the establishment of a system of personnel administration based on merit principles governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation, and welfare of its personnel systems employees, and other incidents of state employment. All appointments and promotions to positions in the personnel systems shall be made solely on the basis of merit and fitness.

(b) The personnel system shall be founded on effective performance management principles that set clear goals, provide efficient and effective services for our citizens, and appraise and reward employees for being responsible and performing as required. To that end, the core functions of the Division of Personnel is to attract and retain highly qualified and skilled employees and to serve as a beneficial resource, working collaboratively with all agencies using its services.

WV Legislature

§29-6-2. Definition of terms.

As used in this article, unless the context indicates otherwise, the term:

"Administrator" means any person who fills a statutorily created position within or related to an agency or board (other than a board member) and who is designated by statute as the head of the agency or board;

"Agency" means any authority, board, bureau, commission, division, or other entity of state government, however designated, transferred to or incorporated in one of the departments created in §5F-1-2 of this code, as well as any affiliated county or municipal agency: *Provided*, That individual districts, offices, regions, sections and units within the same agency, however designated, shall not be considered a separate agency;

"Appointing authority" means the executive head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service;

"Class" or "class of positions" means one or more positions sufficiently similar in duties, training, experience, and responsibilities, as determined by specifications, that the same qualifications, the same title, and the same schedule of compensation and benefits may be equitably applied to each position in the class;

"Class specification" means the official description of a class of positions for the purpose of describing the nature of the work, providing examples of work performed, and identifying the knowledge, skills, and abilities required for the work while stating the generally accepted minimum qualifications required for employment;

"Classification plan" means the plan by which positions in the classified service have been allocated by class;

"Classified-exempt service" means those positions that:

(1) May be categorized in the Division of Personnel’s system by job title, knowledge, skill, abilities, experience, or description;

(2) May be filled by a department or agency of the state even if the applicant does not meet the knowledge, skill, abilities, experience, or description established by the Division of Personnel;

(3) Are at the will and pleasure of the hiring department or agency;

(4) Are not subject to Division of Personnel pay schedules; and

(5) May not be covered under the Division of Personnel classified system or employed by the Higher Education Policy Commission, Council for Community and Technical College Education, or higher education governing boards, as defined in §18B-1-2 of this code;

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"Classified service" means those positions which satisfy the definitions for "class" and "classify" and which are covered under the Division of Personnel classified system;

"Classify" means the process of ascertaining, analyzing, and evaluating the duties and responsibilities of positions to determine the number and kind of classes existing in the service and to group the positions in classes;

"Department" or "departments" means the departments of the executive branch of state government provided in §5F-1-2 of this code;

"Director" means the head of the Division of Personnel as appointed by section seven of this article;

"Division" means the Division of Personnel;

"Exempt service" means all positions specifically exempted by statute from administrative oversight of the Division of Personnel;

"Policy-making position" means a position in which the person occupying it: (1) Acts as an advisor to or formulates plans for the implementation of broad goals for an administrator or the Governor; (2) is in charge of a major administrative component of the agency; or (3) reports directly and is directly accountable to the administrator or the Governor;

"Position" means an authorized and identified group of duties and responsibilities assigned by the hiring authority requiring the full-time or part-time employment of at least one person;

"Promotion" means a change in the status of an employee from a position to another position of higher rank as measured by salary range and increased level of duties or responsibilities;

"Secretary" means the Secretary of the Department of Administration created in §5F-1-2 of this code;

"Veteran" means any person who meets the requirements of §6-13-1 of this code.

WV Legislature

§29-6-3. Classified service.

The classified service includes all positions covered by the civil service system as of the effective date of this article, except as otherwise provided in this article. Positions may be added to the classified service as provided in section four of this article.

WV Legislature

§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;

(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;

WV Legislature

(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.

WV Legislature

§29-6-4a.

Repealed.

Acts, 1989 Reg. Sess., Ch. 29.

WV Legislature

§29-6-5. Division of Personnel continued; functions.

(a) The Division of Personnel is continued within the Department of Administration.

(b) The Division of Personnel shall perform the following functions:

(1) Evaluating applicants for appointment or promotion to positions in the classified service subject to the requirements of §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-9, §5F-2-10, and §29-1-1a of this code;(2) Establishing and applying, in consultation with the appointing authorities, a system of classification for positions in the classified service including, as needed, department-specific classifications and positions;

(3) Establishing and applying a system of compensation for positions in the classified service;

(4) Establishing and maintaining records of employment for classified employees;

(5) Advising appointing authorities and supervisory personnel regarding disciplinary matters, the provisions of this article, rules implementing the provisions of this article, and laws and rules affecting human resource management;

(6) Providing training in human resource management and the operation of the state personnel systems;

(7) Assuring compliance with this article and rules implementing the provisions of this article;

(8) Accessing performance and disciplinary records of all classified and classified-exempt employees and serving as a central clearinghouse pertaining to employment eligibility for positions in state service;

(9) Assisting departments and agencies in marketing and advertising available positions in the classified-exempt system;

(10) Assisting departments in creating categories and general job descriptions for positions in the classified-exempt system; and

(11) Other functions necessary to the establishment of a system of personnel administration as provided in this article.

WV Legislature

§29-6-5a.

Repealed.

Acts, 2010 Reg. Sess., Ch. 32.

WV Legislature

§29-6-6. State Personnel Board terminated; transfer of records, assets, equipment, powers, duties, and responsibilities.

The State Personnel Board is terminated, and all of the board's records, assets, equipment, powers, duties, and responsibilities—including the authority to promulgate or repeal any rule of the board under § 29A-3-1 *et seq*. of this code—shall be transferred to the Director of the Division of Personnel.

WV Legislature

§29-6-7. Director of personnel; qualifications; powers and duties.

(a) The Secretary of the Department of Administration shall appoint the director. The director shall be a person knowledgeable of the application of the merit principles in public employment as evidenced by the obtainment of a degree in business administration, personnel administration, public administration or the equivalent or adequate administrative experience. The salary for the director is set out in §6-7-2a of this code.

(b) The director shall:

(1) Consistent with the provisions of this article, administer the operations of the division, allocating the functions and activities of the division among sections as the director may establish;

(2) Maintain systems necessary to carry out the provisions of this article;

(3) Plan, evaluate, administer and implement personnel programs and policies in state government and to political subdivisions after agreement by the parties;

(4) Prescribe and provide training and consultation to appointing authorities regarding the employee selection process and employ performance evaluation procedures;

(5) Develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, which, notwithstanding any provision of this code to the contrary, may include monetary incentives for recruitment and retention of employees;

(6) Establish pilot programs and other projects for a maximum of one year outside of the provisions of this article, to be included in the annual report;

(7) Establish and apply, in consultation with appointing authorities, department-specific classification and compensation plans for classified employees;

(8) Establish an internship program;

(9) Assist the Governor and Secretary of the Department of Administration in general workforce planning and other personnel matters;

(10) Make an annual report to the Governor and Legislature and all other special or periodic reports as may be required;

(11) Assess costs for special or other services; and

(12) Improve the effectiveness and efficiency of state government through the development of a skilled workforce by providing:

WV Legislature

(A) Classroom and online training programs for employees and managers;

(B) Coaching services to improve the performance of employees, managers, and executives; and

(C) Consulting to foster higher competency in critical managerial functions, ensure that public funds are expended judiciously, and promote respectful and satisfying customer service.

WV Legislature

§29-6-7a. Report on a centralized personnel system.

[Repealed.]

WV Legislature

§29-6-8. Duties of board generally.

[Repealed.]

WV Legislature

§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.

[Repealed.]

WV Legislature

§29-6-9a.

Repealed.

Acts, 2009 Reg. Sess., Ch. 202.

WV Legislature

§29-6-10. Rule-making authority.

(a) The division may promulgate, adopt, amend, or repeal rules, pursuant to §29A-3-1 *et seq*. of this code, to implement the provisions of this article:

(1) For the preparation, maintenance, and revision of a position classification plan for all positions in the classified service, including, as needed, department-specific classifications and positions based upon similarity of duties performed and responsibilities assumed. After each classification plan has been approved by the director and the head of the department, the director shall allocate every position in the classified service to one of the classes in the classified plan. Any employee affected by the allocation of a position to a class shall, after filing with the director of personnel a written request for reconsideration thereof in such manner and form as the director may prescribe, be given a reasonable opportunity to be heard thereon by the director. The interested appointing authority shall be given like opportunity to be heard.

(2) For the preparation, maintenance, and revision of a pay plan for all employees in the classified service, including, as needed, department-specific classifications and positions, after consultation with appointing authorities and the state fiscal officers. The pay plan shall become effective only after approval by the Governor. Amendments to the pay plan may be made in the same manner. Each classified employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he or she is employed. The principle of equal pay for equal work shall be followed in the pay plan as established hereby. The Governor or his or her designee shall have authority to restrict the implementation of annual adjustments of the pay plan as necessitated by fiscal constraints.

(3) For the open competition of applicants for the respective positions in the classified service. The competition may be by examination or by review of the training, experience, and other qualifications required for a position and shall be announced publicly at least five calendar days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio, or other media. The director may, however, in his or her discretion, continue to receive applications and examine candidates long enough to assure a sufficient number of eligible candidates to meet the needs of the service and may add the names of eligible candidates to existing eligible lists in accordance with their respective ratings.

Any veteran shall have an additional five points added to his or her examination or review score: *Provided*, That a disabled veteran is entitled to an additional 10 points, rather than five points.

(4) For promotions within the classified service which shall consider the applicant's qualifications, record of performance, seniority, and his or her score on a written examination, when such examination is practicable.. When any benefit such as a promotion, wage increase, or transfer is to be awarded, or when a withdrawal of a benefit such as a reduction in pay, a layoff, or job termination is to be made, and a choice is required between

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two or more employees in the classified service as to who will receive the benefit or have the benefit withdrawn, and if some or all of the eligible employees have substantially equal qualifications and records of performance, consideration shall be given to the level of seniority of each of the respective employees as a factor in determining which of the employees will receive the benefit or have the benefit withdrawn. The division in its classification plans may, for designated classifications, permit substitution of qualifying experience for specific educational or training requirements at a rate determined by the director.

(5) For layoffs due to business necessity and for recall of laid off employees, consideration shall be given to an employee's seniority as measured by permanent employment in the classified service or a state agency. In the event that the agency wishes to lay off a more senior employee, the agency must demonstrate that the senior employee cannot perform the job duties of a position held by less senior employees within that agency in the job class or any other equivalent or lower job class for which the senior employee is qualified: *Provided*, That if an employee refuses to accept a position in a lower job class, such employee shall retain all rights of recall as provided.

(6) For recall of employees, recall shall be by reverse order of layoff to any job class that the employee has previously held or a lower class in the series within the agency as that job class becomes vacant. An employee will retain his or her place on the recall list for the same period of time as his or her seniority on the date of his or her layoff or for a period of two years, whichever is less. No new employees may be hired for any vacancy in his or her job class or in a lower job class in the series until all eligible employees on layoff are given the opportunity to refuse that job class. An employee shall be recalled into jobs within the county wherein his or her last place of employment is located or within a county contiguous to that county. Any laid-off employee who is eligible for a vacant position shall be notified by certified mail of the vacancy. It is the responsibility of the employee to notify the agency of any change in his or her address.

(A) When filling vacancies in the classified system the appointing authority shall, for a period of 12 months after the layoff of a permanent classified employee in another agency, give preference to qualified permanent classified employees based on seniority and fitness over all but existing employees of the agency or its facilities.

(B) Employment of these persons who are qualified and who were permanently employed immediately prior to their layoff shall not supersede the recall rights of employees who have been laid off in such agency or facility.

(7) For the establishment of lists of eligible candidates for appointment and promotion within the classified service. Eligibility for appointment from any such list shall continue for not longer than three years. An appointing authority shall make his or her selection from the top 20 names on the appropriate lists of eligible candidates or may choose any person scoring at or above the 80th percentile on the examination.

WV Legislature

(8) For the establishment of lists of eligible candidates for preference as provided in subdivision (6) of this section, a list shall be provided according to seniority. An appointing authority shall make the selection of the most senior qualified person: *Provided*, That eligibility for appointment from any list shall continue not longer than one year and shall cease immediately upon appointment to a classified position.

(9) For the rejection of candidates within the classified, classified-exempt, and exempt service who fail to comply with reasonable requirements regarding such factors as age, physical condition, character, criminal background, training, or experience, who are addicted to alcohol or narcotics or who have attempted any deception or fraud in connection with an examination.

(10) For a probationary period not to exceed one year before appointment may be made permanent within the classified service.

(11) For provisional employment without competitive examination within the classified service when there is no appropriate list of eligible candidates available.

(12) For the maintenance of records of performance of all employees in the classified service, which may be considered in determining salary increases and decreases provided in the pay plan; as a factor in promotions; and as a factor in suspensions, demotions, dismissals, and transfers.

(13) For dismissal or reduction in rank or grade only for cause of employees in the classified service. Dismissal or reduction of these employees shall take place only after the person to be dismissed or reduced has been presented with the reasons for the dismissal or reduction stated in writing, and has been allowed a reasonable time to reply thereto in writing, or upon request to appear personally and reply to the appointing authority or his or her designee: *Provided*, That upon an involuntary dismissal for cause, the employer may require immediate separation from the workplace, or the employee may elect immediate separation. If separation is required by the employer in lieu of any advance notice of dismissal, or if immediate separation is elected by an employee who receives notice of an involuntary dismissal for cause, the employee is entitled to receive severance pay attributable to time the employee otherwise would have worked, up to a maximum of 15 calendar days following separation. Receipt of severance pay does not affect any other right to which the employee is entitled with respect to the dismissal. The statement of reasons for the dismissal and any reply shall be filed as a public record with the director. Notwithstanding the foregoing provisions of this subdivision, a permanent employee shall not be dismissed from the classified service for absenteeism solely due to exhausting all annual leave and sick leave when such use has been due to illness or injury as verified by a physician's certification or for other extenuating circumstances beyond the employee's control except when his or her disability is of such a nature as to permanently incapacitate him or her from the performance of the duties of his or her position or renders his or her services unreliable. Upon exhaustion of annual leave and sick leave for the reasons specified herein and with certification by a physician that the employee is temporarily unable to perform his or her

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duties, a permanent employee shall be granted a medical leave of absence without pay for a period not to exceed six months: *Provided*, That such employee is not permanently unable to satisfactorily perform the duties of his or her position. Probationary and permanent state employees are eligible for a medical leave of absence without pay for the period of time during which he or she is receiving temporary total disability benefits for a personal injury that occurred in the course of and resulting from state employment.

(14) For facilitating the efficient hiring, allocation, and assignment of personnel by the departments and agency heads;

(15) For a program under which annual leave accrued or accumulated by an employee of an agency may, if voluntarily agreed to by the employee, be donated to another designated employee if the other employee has exhausted his or her leave because of a medical emergency: *Provided*, That none of the leave transferred may be used to qualify for or add to service for any retirement system administered by the State of West Virginia; and

(16) For any other rules, not inconsistent with this article, as may be proper and necessary for its enforcement.

(b) The director shall periodically review the establishment of all classified-exempt positions by the departments and agencies of the state to ensure consistent interpretation of the provisions of this article.

(c) The provisions of this section are subject to any modifications contained in §5F-1-1 *et seq*. of this code. The division may include in the rules provided for in this article such provisions as are necessary to conform to regulations and standards of any federal agency governing the receipt and use of federal grants-in-aid by any state agency, anything in this article to the contrary notwithstanding. The director shall see that rules and practices meeting such standards are in effect continuously after the effective date of this article.

(d) Nothing in the rules provided for in this section may conflict with the requirements of §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-9, §5F-2-10, or §29-1-1a of this code.

WV Legislature

§29-6-10a. Reduction in work force.

[Repealed.]

WV Legislature

§29-6-11. Duty to furnish facilities for division's use.

All officers and employees of the state and of municipalities and political subdivisions of the state shall allow the division the reasonable use of public buildings under their control, and furnish heat, light and furniture, for any examination, hearing or investigation authorized by this article. The division shall pay to a municipality or political subdivision the reasonable cost of any such facilities furnished by it.

WV Legislature

§29-6-12. Duties of state officers and employees; legal proceedings to secure compliance with article and rules.

All officers and employees of the state shall comply with and aid in all proper ways in carrying out the provisions of this article and the rules and orders thereunder. All officers and employees shall furnish any records or information which the director may request for any purpose of this article. The director may institute and maintain any action or proceeding at law or in equity that he considers necessary or appropriate to secure compliance with this article and the rules and orders thereunder.

WV Legislature

§29-6-13.

Repealed.

Acts, 1989 Reg. Sess., Ch. 29.

WV Legislature

§29-6-14. Certification of payrolls; wrongfully withholding certification of payroll.

[Repealed.]

WV Legislature

§29-6-15.

Repealed.

Acts, 1989 Reg. Sess., Ch. 29.

WV Legislature

§29-6-16. Records of division.

The records of the division are subject to the Freedom of Information Act in §29B-1-1 *et seq.*, of this code and the personal information of employees and applicants are subject to the exemption from disclosure under §29B-1-4(a)(2) of this code.

WV Legislature

§29-6-17. Services to political subdivisions; cooperation with agencies for other jurisdictions.

(a) Subject to the approval of the board the director may enter into agreements with any municipality or other political subdivision of the state to furnish services and facilities of the division to such municipality or political subdivision in the administration of its personnel on merit principles. Any such agreements shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished, as determined by the director. All municipalities and political subdivisions of the state are hereby authorized to enter into such agreements. Subject to the approval of the board, the director may enter into an agreement with the state department of health for the inclusion of personnel of local health departments under the classified service system established by this article.

(b) The director may cooperate with governmental agencies for other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this article.

WV Legislature

§29-6-17a.

Repealed.

Acts, 1999 Reg. Sess., Ch. 52.

WV Legislature

§29-6-17b.

Repealed.

Acts, 1999 Reg. Sess., Ch. 52.

WV Legislature

§29-6-18.

Repealed.

Acts, 1989 Reg. Sess., Ch. 29.

WV Legislature

§29-6-19. Refusal to testify.

If any employee in the classified or classified-exempt service shall willfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any question relating to the affairs or government of the state or the conduct of any state officer or employee on the ground that his testimony or answers would tend to incriminate him or shall refuse to accept a grant of immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, he shall forfeit his office or position and shall not be eligible thereafter for appointment to any position in the classified or classified-exempt service.

WV Legislature

§29-6-20. Favoritism or discrimination because of political or religious opinions, affiliations or race; political activities prohibited.

(a) No person shall be appointed or promoted to or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to such employment because of his or her political or religious opinions or affiliations or race; but nothing herein shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found disloyal to the nation.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration.

(d) No employee in the classified service or member of the board or the director shall, directly or indirectly, solicit or receive any assessment, subscription or contribution, or perform any service for any political party, committee or candidate for compensation, other than for expenses actually incurred, or in any manner take part in soliciting any such assessment, subscription, contribution or service of any employee in the classified service.

(e) Notwithstanding any other provision of this code, no employee in the classified service shall:

(1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Be a candidate for any national or state paid public office or court of record; or hold any paid public office other than as a paid poll clerk or worker; or be a member of any national, state or local committee of a political party, or a financial agent or treasurer within the meaning of the provisions of section three, four or five-e, article eight, chapter three of this code. Other types of partisan or nonpartisan political campaigning and management not inconsistent with the provisions of this subdivision and with the provisions of subsection (d) of this section shall be permitted.

(f) Political participation pertaining to Constitutional amendments, referendums, approval of municipal ordinances or activities, serving as a poll clerk or worker or being a candidate for or serving as a delegate to any state or national political party convention shall not be

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deemed to be prohibited by the foregoing provisions of this section.

(g) Any classified employee who becomes a candidate for any paid public office as permitted by this section shall be placed on a leave of absence without pay for the period of such candidacy, commencing upon the filing of the certificate of candidacy.

WV Legislature

§29-6-21. Acts prohibited.

(a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article and the rules.

(b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, or other valuable consideration for or on account of any certification, appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

(c) No employee of the division, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

WV Legislature

§29-6-22. Penalties.

(a) Any person who willfully violates any provision of this article or of the rules shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $100 nor more than $500, or imprisoned in the county jail for a period not to exceed one year, or both fined and imprisoned. Jurisdiction under this section shall be in a court of record exercising criminal jurisdiction within the county wherein the offense is committed.

(b) Any person who is convicted of a misdemeanor under this article shall, for a period of five years, be ineligible for appointment to or employment in a position in the classified or classified-exempt service, and if he is an officer or employee of the state, shall forfeit his present office or position.

WV Legislature

§29-6-23. Special fund; appropriations; cost of administering article; acceptance of grants or contribution; disbursements.

For the operation of the division, there is hereby created in the state Treasury a special revolving fund to be known and designated as the "Division of Personnel fund." This fund shall consist of appropriations made by the Legislature, funds transferred in accordance with the provisions of section nine of this article, funds received for personnel services rendered to other agencies, departments, divisions and units of state and local government, and funds received by grant or contribution from the federal government or any other entity which funds the division is hereby authorized to receive: Provided, That for fiscal year one thousand nine hundred ninety all funds remaining in account numbers 5840-00, 5840-35 and 5840-17 shall be transferred to the Division of Personnel fund on the effective date of this article. Each agency, department, division or unit of state or local government served by the Division of Personnel is hereby authorized and directed to transmit to the division for deposit in said special fund the charges made by the Division of Personnel for personnel services rendered, such charges to be those fixed in a schedule or schedules prepared by the director and approved by the secretary of the Department of Administration. Disbursements from the fund shall be made in accordance with an approved expenditure schedule as provided by article two, chapter five-a of this code and shall be made under the direct supervision of the director.

The director shall maintain accurate records reflecting the cost of administering the provisions of this article.

WV Legislature

§29-6-24. Posting of job openings.

(a) Whenever a job opening occurs within the classified service, the appointing authority shall, in addition to any other requirement of law or rule for the posting of job opening notices, at least five calendar days before making an appointment to fill the job opening, post a notice within the building or facility where the duties of the job will be performed and throughout the agency, or through electronic or social media readily available to the public and the employees of the agency. The notice shall state that a job opening has occurred and describe the duties to be performed by a person employed in that position..

(b) If a person selected for a posted vacancy within the first 30 calendar days of employment:

(1) refuses the offer of employment;

(2) fails to report to work; or

(3) resigns or otherwise separates from employment,

the appointing authority is not required to repost the vacancy prior to another appointment to the position if the appointment is made within 60 calendar days and the selection is made from the pool of eligible applicants from which the first employee was hired.

WV Legislature

§29-6-25. Implementation; report to Governor and Legislature.

[Repealed.]

WV Legislature

§29-6-26. Employee representative organization bulletin boards.

A bulletin board of a limited size shall be provided for posting notices of employee representative organizations. Such bulletin boards will be placed in convenient and generally accessible locations in all workplaces where the members of such organizations are employed. Provisions shall be made for separate bulletin boards for each employee representative organization. The cost of such bulletin boards will be assumed by the requesting employee or the employee's representative organization. Such boards shall be used exclusively by the employee representative organization and for organization purposes only.

WV Legislature

§29-6-27. Leave donation program.

[Repealed.]

WV Legislature

§29–6-28. Leave time for organ donation.

(a) A full-time state employee shall receive up to one hundred twenty hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of any portion of an adult liver or because of the employee's donation of an adult kidney.

(b) A full-time state employee shall receive up to fifty-six hours of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of adult bone marrow.

(c) An appointing authority shall compensate a full-time state employee who uses leave granted under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

(d) The Director of Personnel shall provide information about this section to full-time employees.

(e) The Legislature hereby encourages political subdivisions and private employers in this state to grant their full-time employees paid leave similar to the paid leave granted to full-time state employees under this section.

WV Legislature