WEST VIRGINIA CODE: §5F-2-10

§5F-2-10. Transfer of new hires and promoted employees within Departments of Health Facilities, Human Services, and Health to classified exempt system.

(a) The Legislature hereby finds that to attract and retain employees in the Department of Health Facilities, Department of Human Services, and the Department of Health, the secretaries of these departments and heads of the agencies, boards, and commissions therein require additional flexibility in the promotion, transfer, layoff, removal, discipline, and compensation of state employees within these departments.

(b) Notwithstanding any provision of this code or any rule to the contrary, beginning on July 1, 2026, all employees of the Department of Health Facilities, Department of Human Services, and the Department of Health shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq*. of this code and from the classified civil service system under §29-6-1 *et seq*. of this code except that:

(1) All employees of the Department of Health Facilities, Department of Human Services, and Department of Health who are currently members of the classified civil service system shall retain their status as long as they remain in their current position; and

(2) All employees of these departments who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position;

(3) Any employee of these departments that leaves his or her position and remains a state employee within any of the departments or divisions governed by §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-9, or §29-1-1a of this code shall, at that time, be transferred to the classified exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 *et seq*. of this code; and

(4) The secretary of each of these departments shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal law, federal regulation, or the requirements for receipt of federal funding or assistance.

(c) Subsection (b) of this section shall not apply to any position appointed by the Governor.

(d) Nothing in this section shall exempt these departments from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

WV Legislature