WEST VIRGINIA CODE: §5F-2-8

§5F-2-8. Transfer of Department of Transportation Personnel System to the Division of Personnel; Transfer of new hires and promoted employees within the Department of Transportation to the Classified-Exempt System.

(a) Legislative findings and intent. –

(1) The several exemptions from centralized administration of the state's personnel have created multiple, redundant, inefficient, and overly complex personnel and human resources systems in several parts of state government; and

(2) Shifting to a centralized oversight system that includes necessary flexibility for all state agencies—instead of a few favored agencies—would facilitate the streamlining of state government and the proper management of the state executive personnel systems.

(b) Beginning on July 1, 2026, the Department of Transportation's authority to establish personnel system under this section is abolished and all personnel within the special merit system created under this section shall be subject to the provisions of §29-6-1 *et seq*. of this code except that:

(1) Any and all job classifications, specifications, and compensation structures established by the Department of Transportation, prior to July 1, 2026, under the authority granted by this section, shall transfer to the oversight and administration of the Division of Personnel;

(2) Following the transfer, the Division of Personnel shall not modify the job classifications, specifications, and compensation structures created pursuant to this section prior to July 1, 2026, except with the consent of the Secretary of the Department of Transportation or as provided in subsection (c) of this section.(c) Notwithstanding any provision of this code or any rule to the contrary, beginning on July 1, 2026, all employees of the Department of Transportation 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 except that:

(1) All employees of the Department of Transportation who are members of a classified civil service system as of June 30, 2026, shall retain their status as long as they remain in their current position;

(2) All employees of the Department of Transportation who as of June 30, 2026, 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 the Department of Transportation that leaves his or her position and remains an employee within any department governed by §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-9, §5F-2-10, or §29-1-1a of this code shall, at that time, be transferred to the classified exempt

WV Legislature

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 the Department of Transportation 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.

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

(e) Nothing in this section exempts the Department of Transportation 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.

(f) Notwithstanding any provision of this code to the contrary, the Department of Transportation may not provide any probationary employee of the Department of Transportation who is terminated for failing a drug or alcohol screen or refusing a drug or alcohol screen severance pay.

WV Legislature