WEST VIRGINIA CODE CHAPTER 5F ARTICLE 2

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§5F-2-1. Transfer and incorporation of agencies and boards; funds.

(a) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

(1) Public Employees Insurance Agency provided in §5-16-1 *et seq*. of this code;

(2) Governor's Mansion Advisory Committee provided in §5A-5-1 *et seq*. of this code;

(3) Commission on Uniform State Laws provided in §29-1A-1 *et seq*. of this code;

(4) West Virginia Public Employees Grievance Board provided in §6C-3-1 *et seq*. of this code;

(5) Board of Risk and Insurance Management provided in §29-12-1 *et seq*. of this code;

(6) Boundary Commission provided in §29-23-1 *et seq*. of this code;

(7) Public Defender Services provided in §29-21-1 *et seq*. of this code;

(8) Division of Personnel provided in §29-6-1 *et seq*. of this code;

(9) West Virginia Ethics Commission provided in §6B-2-1 *et seq*. of this code;

(10) Consolidated Public Retirement Board provided in §5-10D-1 *et seq*. of this code; and

(11) Real Estate Division provided in §5A-10-1 *et seq*. of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 *et seq*. of this code, which includes the Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq*. of this code.

(2) Office of Miners' Health, Safety, and Training provided in §22A-1-1 *et seq*. of this code. The Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq*. of this code are transferred to the Office of Miners' Health, Safety, and Training for purposes of administrative support and liaison with the Office of the Governor.

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq*. of this code;

(4) Division of Forestry provided in §19-1A-1 *et seq*. of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq*. of this code;

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(6) Workforce West Virginia provided in chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development;

(D) Division of Research, Information and Analysis;

(7) Division of Rehabilitation Services provided in §18-10A-1 *et seq*. of this code; and

(8) Division of Economic Development provided in §5B-2-1 *et seq*. of this code, which includes:

(A) Office of Broadband provided for in 31G-1A-1 *et seq*.;

(B) Small Business Development Center provided for in §12-1A-1 *et seq*.; and

(C) The Office of Energy provided for in §5B-2F-2 of this code.

(c) The Economic Development Authority provided in §31-15-1 *et seq*. of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 *et seq*. of this code is continued as an independent agency within the executive branch.

(e) The West Virginia Educational Broadcasting Commission provided in §10-5-1 *et seq*. of this code is continued as a separate agency within the Department of Tourism, which shall provide administrative support for the authority.

(f) The following agencies and boards, including all of the allied, advisory, and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the Office of the Governor:

(1) Air Quality Board provided in §22B-2-1 *et seq*. of this code;

(2) Solid Waste Management Board provided in §22C-3-1 *et seq*. of this code;

(3) Environmental Quality Board, or its successor board, provided in §22B-3-1 *et seq*. of this code;

(4) Surface Mine Board provided in §22B-4-1 *et seq*. of this code;

(5) Shallow Gas Well Review Board provided in §22C-8-1 *et seq*. of this code; and

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(6) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq*. of this code.

(g) Subject to the provisions of §5F-2-1a of this code, the following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health:

(1) Human Rights Commission provided in §5-11-1 *et seq*. of this code;

(2) Bureau for Public Health provided in §16-1-1 *et seq*. of this code;

(3) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in §16-4C-1 *et seq*. of this code;

(4) Health Care Authority provided in §16-29B-1 *et seq*. of this code;

(5) The Developmental Disabilities Council established by Executive Order No. 6-88 and continued by Executive Order No. 15-99.

(h) Subject to the provisions of §5F-2-1a of this code, the following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in, and administered as a part of, the Department of Human Services:

(1) Women's Commission provided in §29-20-1 *et seq*. of this code; and

(2) Bureau for Child Support Enforcement provided in §48-1-1 *et seq*. of this code.

(i) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Homeland Security:

(1) West Virginia State Police;

(2) Division of Emergency Management provided in §15-5-1 *et seq*. of this code and Emergency Response Commission provided in §15-5A-1 *et seq*. of this code: *Provided*, That notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Homeland Security and Emergency Management, it shall be construed to mean the Division of Emergency Management;

(3) Division of Administrative Services;

(4) Division of Corrections and Rehabilitation;

(5) Fire Commission;

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(6) State Fire Marshal;

(7) Board of Probation and Parole;

(8) The West Virginia Fusion Center;

(9) Division of Protective Services; and

(10) Any other agency or entity hereinafter established within the Department of Homeland Security by an act of the Legislature.

(j) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:

(1) Tax Division provided in §11-1-1 *et seq*. of this code;

(2) Racing Commission provided in §19-23-1 *et seq*. of this code;

(3) Lottery Commission and position of Lottery Director provided in §29-22-1 *et seq*. of this code;

(4) Insurance Commissioner provided in §33-2-1 *et seq*. of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 *et seq*. of this code and §60-2-1 *et seq*. of this code;

(6) Board of Banking and Financial Institutions provided in §31A-3-1 *et seq*. of this code;

(7) Lending and Credit Rate Board provided in §47A-1-1 *et seq*. of this code;

(8) Division of Financial Institutions provided in §31A-2-1 *et seq*. of this code;

(9) The State Budget Office provided in §11B-2-1 *et seq*. of this code;

(10) The Municipal Bond Commission provided in §13-3-1 *et seq*. of this code;

(11) The Office of Tax Appeals provided in §11-10A-1 *et seq*. of this code; and

(12) The State Athletic Commission provided in §29-5A-1 *et seq*. of this code.

(k) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in §17-2A-1 *et seq*. of this code;

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(2) Parkways Authority provided in §17-16A-1 *et seq*. of this code;

(3) Division of Motor Vehicles provided in §17A-2-1 *et seq*. of this code;

(4) Driver's Licensing Advisory Board provided in §17B-2-1 *et seq*. of this code; and

(5) Division of Multimodal Transportation Facilities provided in §17-16F-1 *et seq*. of this code.

(l) Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 *et seq*. of this code, including all of the allied, advisory, affiliated, or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(m) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

(n) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by §5F-2-2 of this code, the existence, powers, authority, and duties of boards and the membership, terms, and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers may not have their appellate or independent decision-making status affected by the enactment of this chapter.

(o) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

(p) When an agency, board, or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary, or a bureau. Nothing in this section extends the powers of department secretaries under §5F-2-2 of this code to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.

(q) The Department of Economic Development as established in §5B-2-1 *et seq*. of this code is continued as a division of the Department of Commerce.

(r) The Department of Tourism as established in §5B-2I-1 *et seq*. of this code is continued as a separate independent agency within the Executive Branch, which includes the following sections and commissions listed under §29-1-1 of this code:

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(1) The Arts Section;

(2) The Archives and History Section;

(3) The Museums Section;

(4) The Historic Preservation Section;

(5) The State Library Section;

(6) The National Coal Heritage Area Commission;

(7) The Administrative Section;

(8) The Educational Broadcasting Commission;

(9) A Commission on the Arts;

(10) A Commission on Archives and History;

(11) A Library Commission; and

(12) An Educational Broadcasting Council.

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§5F-2-1a. Termination of the department of health and human resources; transfer and incorporation of agencies and boards legislative intent; creation of new departments.

(a) It is the intent of the Legislature to devolve the functions of the Department of Health and Human Resources into three new and separate departments of the executive branch as provided in this Act over a period of transition that concludes with the termination of the Department of Health and Human Resources. It is the intent of the Legislature that the provisions of this Act be construed to achieve the restructuring and reallocation of the powers, duties and functions of the Department of Health and Human Resources to the three new departments created in this section in an orderly manner designed to maintain the delivery of services that have heretofore been provided by the Department of Health and Human Resources by the new departments during the transition and beyond the termination of the Department of Health and Human Resources without disruption and to streamline and, where possible, to share administrative and operative expenses where common to each of the new departments. To that end, the Secretary of the Department of Health and Human Resources, the Secretary of the Department of Human Services, the Secretary of the Department of Health and the Secretary of the Department of Health Facilities shall enter into a memorandum of understanding to effect the provisions of this Act that shall, at a minimum, create a Office of Shared Administration mutually administered by the secretaries that shall coordinate efforts with the Department of Administration to maximize efficiencies and function of services in an effort to contain expenses within the Department of Human Services, the Department of Health and the Department of Health Facilities. The Office of Shared Administration shall implement a plan to maximize function and efficiency administrative services for the purpose of streamlining administrative services and reducing expenses within the departments. The Office of Shared Administration shall complete implementation by June 30, 2024, and shall provide quarterly updates to the Legislative Oversight Commission on Health and Human Resources Accountability.

(b) The Department of Human Services created under §5F-1-2 of this code is a separate and distinct department of the executive branch. The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Human Services:

(1) Bureau for Social Services;

(2) Bureau for Medical Services;

(3) Bureau for Child Support Enforcement;

(4) Bureau for Family Assistance;

(5) Bureau for Behavioral Health; and

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(6) Any other agency or entity hereinafter established within the Department of Human Services by an act of the Legislature.

(c) (1) The Department of Health created under §5F-1-2 of this code is a separate and distinct department of the executive branch. The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Department of Health:

(A) Bureau for Public Health;

(B) Office of Emergency Medical Services;

(C) Office of the Chief Medical Examiner;

(D) Center for Threat Preparedness;

(E) Health Care Authority; and

(F) Any other agency or entity hereinafter established within the Department of Health by an act of the Legislature.

(2) The Office of the Inspector General is a separate and autonomous agency within the Department of Health as provided in §16B-2-1. The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are transferred to, incorporated in and administered as a part of the Office of the Inspector General. The Office of the Inspector General, shall include:

(A) Office of Health Facility Licensure and Certification;

(B) Board of Review;

(C) Foster Care Ombudsman;

(D) Olmstead Office;

(E) Investigations and Fraud Management;

(F) Quality Control;

(G) Mental Health Ombudsman;

(H) WV Clearance for Access: Registry and Employment Screening; and

(I) Human Rights Commission.

(d) The Department of Health Facilities created under §5F-1-2 of this code is a separate and

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distinct department of the executive branch. The following state facilities, including all of the allied, advisory, affiliated, or related entities and funds associated with any state facility, are transferred to, incorporated in and administered as a part of the Department of Health Facilities:

(1) Hopemont Hospital;

(2) Jackie Withrow Hospital;

(3) John Manchin, Sr. Health Care Center;

(4) Lakin Hospital;

(5) Mildred Mitchell-Bateman Hospital;

(6) Welch Community Hospital;

(7) William R. Sharpe Jr. Hospital; and

(8) Any other agency or entity hereinafter established within the Department of Health Facilities by an act of the Legislature.

(e) Any secretary may recommend that a bureau, office, board, commission or other state entity be included or excluded from the organization of the departments created in this section to the Joint Committee on Government and Finance and the Legislative Commission on Health and Human Resources Accountability.

(f) All programs, orders, determinations, rules, permits, grants, contracts, certificates, bonds, authorizations and privileges which have been issued, promulgated, made, granted or allowed to become pursuant to authority provided by this code to the Department of Health and Human Resources or the Secretary of that Department that are in effect on the dates of the creation of the new departments as provided in this section shall continue in effect according to their terms until modified, terminated, superseded, set aside or revoked by the department or secretary that assumes authority over the subject matter of the same under the provisions of this Act.

WV Legislature

§5F-2-2. Power and authority of secretary of each department.

(a) Notwithstanding any other provision of this code to the contrary, the secretary of each department shall have plenary power and authority within and for the department to:

(1) Employ and discharge within the office of the secretary employees as may be necessary to carry out the functions of the secretary, which employees shall serve at the will and pleasure of the secretary;

(2) Cause the various agencies and boards to be operated effectively, efficiently, and economically and develop goals, objectives, policies, and plans that are necessary or desirable for the effective, efficient, and economical operation of the department;

(3) Eliminate or consolidate positions, other than positions of administrators or positions of board members and name a person to fill more than one position;

(4) Transfer permanent state employees between departments in accordance with the provisions of §5F-2-7 of this code;

(5) Delegate, assign, transfer, or combine responsibilities or duties to or among employees, other than administrators or board members;

(6) Reorganize internal functions or operations;

(7) Formulate comprehensive budgets for consideration by the Governor;

(8) Enter into contracts or agreements requiring the expenditure of public funds and authorize the expenditure or obligation of public funds as authorized by law: *Provided*, That the powers granted to the secretary to enter into contracts or agreements and to make expenditures or obligations of public funds under this provision shall not exceed or be interpreted as authority to exceed the powers granted by the Legislature to the various commissioners, directors, or board members of the various departments, agencies, or boards that comprise and are incorporated into each secretary's department under this chapter;

(9) Acquire by lease or purchase property of whatever kind or character and convey or dispose of any property of whatever kind or character as authorized by law: *Provided*, That the powers granted to the secretary to lease, purchase, convey, or dispose of such property shall be exercised in accordance with §5A-3-1 *et seq.*, §5A-10-1 *et seq.*, and §5A-3-11 *et seq.* of this code: *Provided, however*, That the powers granted to the secretary to lease, purchase, convey, or dispose of such property shall not exceed or be interpreted as authority to exceed the powers granted by the Legislature to the various commissioners, directors, or board members of the various departments, agencies, or boards that comprise and are incorporated into each secretary's department under this chapter;

(10) Conduct internal audits;

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(11) Supervise internal management;

(12) Promulgate rules, as defined in §29A-1-2 of this code, to implement and make effective the powers, authority, and duties granted and imposed by the provisions of this chapter in accordance with the provisions of chapter 29A of this code;

(13) Grant or withhold written consent to the proposal of any rule, as defined in §29A-1-2 of this code, by any administrator, agency, or board within the department. Without written consent, no proposal for a rule shall have any force or effect;

(14) Delegate to administrators the duties of the secretary as the secretary may deem appropriate, from time to time, to facilitate execution of the powers, authority, and duties delegated to the secretary;

(15) Enter into memoranda of understanding; and

(16) Take any other action involving or relating to internal management not otherwise prohibited by law.

(b) The secretaries of the departments shall engage in a comprehensive review of the practices, policies, and operations of the agencies and boards within their departments to determine the feasibility of cost reductions and increased efficiency which may be achieved therein, including, but not limited to, the following:

(1) The elimination, reduction, and restriction of the state's vehicle or other transportation fleet;

(2) The elimination, reduction, and restriction of state government publications, including annual reports, informational materials, and promotional materials;

(3) The termination or rectification of terms contained in lease agreements between the state and private sector for offices, equipment, and services;

(4) The adoption of appropriate systems for accounting, including consideration of an accrual basis financial accounting and reporting system;

(5) The adoption of revised procurement practices to facilitate cost-effective purchasing procedures, including consideration of means by which domestic businesses may be assisted to compete for state government purchases; and

(6) The computerization of the functions of the state agencies and boards.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, none of the powers granted to the secretaries shall be exercised by the secretary if to do so would violate or be inconsistent with the provisions of any federal law or regulation, any federal-state program or federally delegated program or jeopardize the approval, existence, or

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funding of any program.

(d) The layoff and recall rights of employees within the classified service of the state as provided in §29-6-10(5) and §29-6-10(6) of this code shall be limited to the organizational unit within the agency or board and within the occupational group established by the classification and compensation plan for the classified service of the agency or board in which the employee was employed prior to the agency or board's transfer or incorporation into the department: *Provided*, That the employee shall possess the qualifications established for the job class. The duration of recall rights provided in this subsection shall be limited to two years or the length of tenure, whichever is less. Except as provided in this subsection, nothing contained in this section shall be construed to abridge the rights of employees within the classified service of the state as provided in §29-6-10 and §29-6-10a of this code.

(e) Notwithstanding any other provision of this code to the contrary, the secretary of each department shall cooperate with the State Resiliency Office to the fullest extent practicable to assist that office in fulfilling its duties.

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§5F-2-3. Administrators; appointment; oath; bond; compensation.

(a) Notwithstanding any other provision of this code (including subsections (h) and (i), section one of this article) to the contrary, each administrator required by other provisions of this code to be appointed by the Governor shall:

(1) Continue to be appointed by the Governor by and with the advice and consent of the Senate and each such administrator shall serve at the will and pleasure of the Governor, and the Governor may appoint a person to fill more than one such position of administrator and may appoint a secretary to fill one or more positions of such administrator, but each person appointed as such an administrator must possess whatever qualifications are elsewhere specified in this code as being required for appointment to such position;

(2) Take the oath of office or affirmation prescribed by section five, article four of the Constitution, and such oath shall be certified by the person who administers the same and filed in the office of the Secretary of State;

(3) Give bond in the penalty of $15,000 conditioned for the faithful performance of the duties of the office, which bond shall be approved by the Attorney General as to form and by the secretary as to sufficiency. The surety of such bond may be a bonding or surety company, in which case the premium shall be paid out of the appropriation made for the administration of the department; and

(4) Receive an annual salary as shall be fixed from time to time by law or as otherwise provided.

(b) Each administrator required by other provisions of this code to be appointed in any manner other than by the Governor shall continue to be appointed, shall take such oath of office, give such bond and receive such salary as shall be so specified by such other provisions of this code.

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§5F-2-4. Transfer of records, property and personnel.

All records, assets and property, of whatever kind or character, owned by or utilized in the administration of the agencies and boards and all of the personnel utilized in the administration of such agencies and boards, including the administrators, are hereby transferred to the respective department to and in which such agencies and boards are transferred and incorporated.

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§5F-2-5. Independent appeal boards.

(a) The Legislature finds and declares that it may be desirable and appropriate for certain boards and commissions created by the Legislature which may be called upon to review, adjudicate or reverse administrative actions and decisions of agencies of the state to be fiscally and functionally independent of the agency or agencies reviewed, to issue rules and manage day-to-day operations independently, and to function as independent and autonomous instrumentalities of the state.

(b) To achieve this purpose, the Governor may by executive order provide for the transfer from the departments and agencies of the state of any or all of the following boards or commissions which are appellate bodies or were otherwise established to be independent decision makers:

(1) Human rights commission provided for in article eleven, chapter five of this code;

(2) Workers compensation appeals board and office of judges provided for in article five, chapter twenty-three of this code;

(3) Air quality board provided for in article two, chapter twenty-two-b of this code;

(4) Environmental quality board provided for in article three, chapter twenty-two-b of this code;

(5) Surface mine board provided for in article four, chapter twenty-two-b of this code;

(6) Board of appeals provided for in article five, chapter twenty-two-a of this code; and

(7) Shallow gas well review board provided for in article eight, chapter twenty-two-c of this code.

(c) Upon any transfer by executive action authorized in subsection (b) of this section, the Governor may provide for administrative support by a department or agency of the state to the board or commission transferred in the same manner as is provided by a department secretary and for liaison with the office of the Governor with respect to budgetary and administrative matters through a department or agency of the state: Provided, That nothing in this section shall be construed to affect the existence, powers, authority and duties of independent boards and commissions or the membership, terms and qualifications of members of such boards and commissions.

(d) The authority to make transfers as provided in subsection (a) of this section shall expire on January 1, 1995. Upon the exercise of the powers granted in subsection (b) of this section, the Governor shall submit to the Legislature a report setting forth the reorganization implemented by executive action pursuant to this section, any recommendations for further reorganization requiring legislative action and drafts of any recommended legislation for consideration by the Legislature during the regular session in

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the year 1995 to conform this code to the reorganization implemented by executive action.

(e) Upon transfers as authorized in subsection (a) of this section, the Governor may transfer the funds appropriated to the department or agency of the state attributable to the functions of the board or commission transferred in order to implement the transfer: Provided, That the authority to transfer funds under this section shall expire on June 30, 1995: Provided, however, That no funds may be transferred from a special revenue account, dedicated account, capital expenditure account or any other dedicated account or fund for any use or purpose other than the purpose for which the account or fund is dedicated.

(f) Nothing in this section shall be construed to affect the consolidation of legal, technical and support personnel and of procedures of the air quality board, environmental quality board and surface mining board provided for in article one, chapter twenty-two-b of this code.

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§5F-2-6. Reorganization of boards issuing or incurring debt.

(a) The Legislature finds and declares that boards and commissions empowered to issue bonds, incur indebtedness and provide financing or financial services for a public purpose may in some cases benefit the public interest or operate more efficiently through consolidation of legal, technical and support staff or services, sharing of office space, consolidation of procedures, and cooperation to identify circumstances where one entity may provide services for another, including, but not limited to, circumstances where one board or commission may finance the programs of another. On or after the effective date of this section, the treasurer shall be authorized at the request of the presiding officer of the entity to provide financial services, provide technical staff services, provide support staff and services and provide for the sharing of office space among and between the following entities:

(1) The staff of the Municipal Bond Commission provided for in article three, chapter thirteen of this code: Provided, That nothing in this section shall be construed to limit the independence and autonomy of the Municipal Bond Commission;

(2) The staff of the hospital finance authority provided for in article twenty-nine-a, chapter sixteen of this code: Provided, That nothing in this section shall be construed to limit the independence and autonomy of the hospital finance authority; and

(3) The staff of the public energy authority provided for in article one, chapter five-d of this code.

(b) In furtherance of the goal of increased efficiency and cooperation, the director of the debt management division of the board of Investments and the secretary of the Department of Administration are jointly charged with the responsibility of developing and presenting to the boards and commissions, to the board of Investments, to the state Treasurer, to the Governor and to the Legislature recommendations for administrative and statutory change.

(c) On the effective date of this section, any funds, equipment, personnel or office facilities associated with those responsibilities that are transferred from the board of Investments or any other agency, to the Treasurer's Office shall be transferred within thirty days of the transfer of those responsibilities.

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§5F-2-7. Interdepartmental transfer of permanent state employees.

(a) A department secretary may enter into a memorandum of understanding with another department secretary to transfer a permanent state employee from a position that is to be consolidated or eliminated, to a funded vacant position in another Department, in accordance with the provisions of this section and the law. To support the transfer of the employee, a department secretary may also transfer furniture and equipment, except motor vehicles and any assets purchased by designated funds for specific uses and purposes, the removal of which is prohibited by law or would jeopardize federal funds, grants or other funding sources.

(b) The transferred employee shall receive the same level of benefits and rate of compensation or higher, and shall retain the same level of seniority.

(c) An employee shall be given notice of the proposed transfer at least fifteen days prior to the transfer. During the notice period, an affected employee may agree to be voluntarily transferred.

(d) If an employee does not volunteer to be transferred, then an involuntary transfer may be ordered. An involuntary transfer shall begin with the least senior permanent employee who qualifies for the position.

(e) A classified employee who is transferred shall retain his or her classified status: Provided, That any transfer shall be made in accordance with the law.

(f) An involuntary transfer may be rejected by an employee if the involuntary transfer would require the employee to travel thirty miles or more, one way, than the distance the employee currently travels from his or her current job site.

(g) An employee who qualifies for and chooses to reject a transfer shall be laid off in accordance with the law.

(h) Nothing in this section shall abridge any other rights provided by law.

(i) Prior to December 31, 2005, the Division of Personnel shall promulgate an emergency rule in accordance with the provisions of article three, chapter twenty-nine-a of this code, to effectuate the provisions of this section.

(j) The Division of Personnel is authorized to promulgate legislative rules in accordance with the provisions of article three, chapter twenty-nine-a of this code, to effectuate the provisions of this section.

(k) Annually, on or before January 1, the Division of Personnel shall report to the Joint Committee on Government and Finance, on all interdepartmental employee transfers, including but not limited to, voluntary and involuntary transfers, furniture and equipment transfers, and the Departments involved in the transfers.

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§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 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

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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.

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§5F-2-9. Transfer of New Hires and Promoted Employees Within the Bureau of Senior Services and Certain Departments to Classified Exempt System.

(a) The Legislature hereby finds that to attract and retain employees in the Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance, the chief administrative officers of this bureau and 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 this bureau and these departments.

(b) Notwithstanding any provision of this code or any rule to the contrary, beginning on July 1, 2025, all employees of the Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance 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 Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance who are currently members of the classified civil service system shall retain their status as long as they remain in their current position;

(2) All employees of this bureau and 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; and

(3) Any employee of this bureau and these departments that leaves his or her position and remains an employee within this bureau or any of these departments 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.

(c) The Commissioner of the Bureau of Senior Services and 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.

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

(e) Nothing in this section shall exempt this bureau or 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.

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§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.

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