

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



## ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 884

(By Mr. *Speaker, Mr. White, and Mr. Vickrey*)



PASSED March 13, 1965

In Effect from Passage



FILED IN THE OFFICE OF  
JOE E. BERRY  
SECRETARY OF STATE  
THIS FILE 3-19-65

# 884

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 884**  
(Originating in the Committee on the Judiciary.)

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[Passed March 13, 1965; in effect from passage.]

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AN ACT to repeal sections thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend chapter twenty-nine of said code by adding thereto a new article, designated article sixteen, relating to the powers and duties of the director of the department of personnel, and the duties of certain state departments and agencies in relation to their personnel.

*Be it enacted by the Legislature of West Virginia:*

That sections thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight, article two, chapter five-a of the code of West

Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that chapter twenty-nine of said code be amended by adding thereto a new article, designated article sixteen, to read as follows:

**Article 16. Department of Personnel.**

**Section 1. Department of Personnel; Powers and Duties.**—There is hereby created a Department of Personnel which shall have the power and duty to establish a system of personnel administration, and shall exercise and perform the other powers and duties conferred upon it by this article.

**Sec. 2. Director; Powers and Duties.**—The director of the department shall be appointed by the governor, with the advice and consent of the senate, to serve at the will and pleasure of the governor, who shall have the power and duty to establish and administer a system of personnel administration based upon scientific methods governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation and welfare of state personnel and other incidents of state employment, except as hereinafter specified, in order to attract

11 to and retain in the service of this state competent and  
12 qualified personnel of the highest ability and integrity.  
13 The salary of the director shall be in the amount of ten  
14 thousand dollars annually.

**Sec. 3. Departments and Individuals Excepted.—**The

2 provisions of this article shall not apply to:

- 3 (1) Officers and employees under the present classi-  
4 fied service (chapter twenty-nine, article six of the code  
5 of West Virginia), whether by the express terms of the  
6 present law or by executive order of the governor made  
7 pursuant thereto, at the effective date of this article, and  
8 officers and employees added to the list of personnel in  
9 the classified service by executive order of the governor;
- 10 (2) Members of the state Legislature and other elec-  
11 ted officials, and persons appointed to fill vacancies in  
12 elective offices, their assistants, deputies, directors or  
13 heads of major divisions and not more than one secretary  
14 therefor;
- 15 (3) Members of boards and commissions, heads of  
16 departments, and wardens and superintendents of state  
17 institutions appointed by the governor or such heads of

18 departments selected by commissions or boards, their  
19 assistants, deputies, directors or heads of major divisions  
20 and not more than one secretary therefor;

21 (4) Judges, referees, receivers, jurors and notaries  
22 public;

23 (5) The secretaries and clerks of each judge of a court  
24 of record;

25 (6) Patients or inmates employed in state institu-  
26 tions;

27 (7) Persons employed in a professional or scientific  
28 capacity to make or conduct a temporary or special in-  
29 quiry, investigation or examination on behalf of the Leg-  
30 islature or a committee thereof, an executive department  
31 or by authority of the governor;

32 (8) Employees of the legislative and judicial branches  
33 of the state government;

34 (9) Officers and members of the teaching staff, ad-  
35 ministrative personnel and students employed in institu-  
36 tions under the control of the state board of education  
37 and the board of governors of West Virginia University;

38 (10) Employees of the office of the governor;

39 (11) Part time professional personnel engaged in pro-  
 40 fessional services without administrative duties and per-  
 41 sonnel employed for less than ninety working days a  
 42 year.

**Sec. 4. Certification of Personnel.**—The spending offi-  
 2 cer of each spending unit, within thirty days prior to  
 3 the beginning of each fiscal year, shall certify to the  
 4 director a schedule of personnel appointed to or employed  
 5 by the spending unit, and showing the personnel classifi-  
 6 cation and compensation approved for such personnel.

7 Amounts appropriated for personal services shall be  
 8 expended upon requisition only for the appointees and  
 9 employees included upon the personnel schedule and only  
 10 in accordance with the rate of compensation shown by  
 11 the schedule.

**Sec. 5. Personnel, Classification and Compensation**  
 2 **Schedules.**—The director shall prepare schedules of the  
 3 approved or certified personnel showing the personnel  
 4 employed in each spending unit of the state government  
 5 and the classification and compensation authorized to be  
 6 paid for each person employed. Such schedules shall be

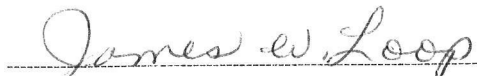
7 preserved as a public record and shall be open to inspec-  
8 tion by any person showing good cause.

**Sec. 6. Authority of Governor.**—The governor is hereby  
2 authorized to direct by executive order the transfer to  
3 the department of personnel of such records and equip-  
4 ment, the performance by the department of such addi-  
5 tional functions and duties, and the discontinuance of  
6 such functions and duties of other state officers, agencies  
7 and departments as may be necessary to effectuate the  
8 purposes of this article.

**Sec. 7. Separability.**—If any provision of this article  
2 or of any rule, regulation or order promulgated or issued  
3 thereunder or the application of such provision to any  
4 person or circumstance shall be held invalid the re-  
5 mainder of this article and the application of such pro-  
6 vision of this article or of such rule, regulation or order  
7 to persons or circumstances other than those as to which  
8 it is held invalid shall not be affected thereby.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee


  
Chairman House Committee

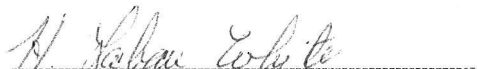
Originated in the House.

Takes effect from passage.


  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 19  
day of March, 1965.

  
Governor