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Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that chapter twenty-nine of said code be amended by adding thereto a new article, designated article sixteen, to read as follows: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
to and retain in the service of this state competent and qualified personnel of the highest ability and integrity.

The salary of the director shall be in the amount of ten thousand dollars annually.

Sec. 3. **Departments and Individuals Excepted.**—The provisions of this article shall not apply to:

1. Officers and employees under the present classified service (chapter twenty-nine, article six of the code of West Virginia), whether by the express terms of the present law or by executive order of the governor made pursuant thereto, at the effective date of this article, and officers and employees added to the list of personnel in the classified service by executive order of the governor;

2. Members of the state Legislature and other elected officials, and persons appointed to fill vacancies in elective offices, their assistants, deputies, directors or heads of major divisions and not more than one secretary therefor;

3. Members of boards and commissions, heads of departments, and wardens and superintendents of state 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 professional services without administrative duties and personnel employed for less than ninety working days a year.

Sec. 4. Certification of Personnel.—The spending officer of each spending unit, within thirty days prior to the beginning of each fiscal year, shall certify to the director a schedule of personnel appointed to or employed by the spending unit, and showing the personnel classification and compensation approved for such personnel.

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

Sec. 5. Personnel, Classification and Compensation Schedules.—The director shall prepare schedules of the approved or certified personnel showing the personnel employed in each spending unit of the state government and the classification and compensation authorized to be paid for each person employed. Such schedules shall be
preserved as a public record and shall be open to inspection by any person showing good cause.

Sec. 6. Authority of Governor.—The governor is hereby authorized to direct by executive order the transfer to the department of personnel of such records and equipment, the performance by the department of such additional functions and duties, and the discontinuance of such functions and duties of other state officers, agencies and departments as may be necessary to effectuate the purposes of this article.

Sec. 7. Separability.—If any provision of this article or of any rule, regulation or order promulgated or issued thereunder or the application of such provision to any person or circumstance shall be held invalid the remainder of this article and the application of such provision of this article or of such rule, regulation or order to persons or circumstances other than those as to which 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