WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1977

ENROLLED
SENATE BILL NO. 6

(By Mr. Brotimestone, Mr. President)

PASSED May 6, 1977
In Effect from Passage
ENROLLED

Senate Bill No. 6

(By Mr. Brotherton, Mr. President)

[Passed May 6, 1977; in effect from passage.]

AN ACT to repeal section thirty-four, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact article six, chapter twenty-nine of said code, all relating to the civil service system and classification of employees; providing a general purpose; definition of terms; establishing a classified service and classified-exempt service and providing exceptions; prohibiting additions to the classified service during certain specified periods of time; exempting policymaking positions from the classified service, including those presently so classified; providing a procedure to bring additional positions under classified service; state personnel department generally; retention of certain personnel, funds and equipment; selection and appointment of director of personnel; duties, qualifications and removal of director; continuing that state agency known as the civil service commission; establishing professional and other qualifications of members of civil service commission; providing the governor with the discretion to retain present members of the commission or to appoint new members with professional qualifications; appointment, terms, removal and compensation of members; selection of chairman and meetings of commission; advisory board; duties of commission; additional duties of director and assistants; establishment of a roster of employees; preparation and rating of tests; rules and regulations of commission; position classification plans for classified and classified-exempt service; pay plan for classified service; facilities and
equipment for department; compliance of officers and employees; status of present employees; certification of payrolls; failure of appointing authority to comply with order of commission; wrongfully withholding certification of payroll; appeals to commission and hearings; judicial review; records of department; services to political subdivisions and cooperation with other agencies; oaths, testimony and production of records; immunity from suit; refusal to testify; prohibition of favoritism or discrimination because of political or religious opinions, affiliations or race; political activities prohibited; certain other acts prohibited; providing penalties; appropriations to department to cover cost of administration; and acceptance of grants or contributions.

Be it enacted by the Legislature of West Virginia:

That section thirty-four, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that article six, chapter twenty-nine of said code be amended and reenacted, all to read as follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.
§29-6-1. General purpose.
1 The general purpose of this article is to attract to the service of this state personnel of the highest ability and integrity by the establishment of a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions in the classified service shall be made solely on the basis of merit and fitness, except as hereinafter specified. All employment positions not in the classified service, with the exception of the board of regents, are included in a classification plan known as classified-exempt service.

§29-6-2. Definition of terms.
1 As used in this article unless the context clearly indicates otherwise:
(1) "Agency" means any administrative unit of state government, including any authority, board, bureau, commission, committee, council, department or office.

(2) "Appointing authority" means a person or group of persons authorized by an agency to make appointments to positions in the classified or classified-exempt service.

(3) "Class" or "class of positions" means a group of positions sufficiently similar in duties, training, experience and responsibilities, as determined by specification, that the same qualifications, the same title, and the same schedule of compensation and benefits may be equitably applied to each position in the group.

(4) "Classification plan" means the plan by which positions in the classified service and classified-exempt service have been allocated by class.

(5) "Classified-exempt service" means an employee whose position satisfies the definitions for "class" and "classify" but who is not covered under the civil service system or employed by the board of regents.

(6) "Classified service" means an employee whose job satisfies the definitions for "class" and "classify" and who is covered under the civil service system.

(7) "Classify" means to group all positions in classes and to allocate every position to the appropriate class in the classification plan.

(8) "Policymaking position" means a position in which the person occupying it (a) acts as an adviser to, or formulates plans for the implementation of broad goals for, the executive or administrative head of the agency, (b) is in charge of a major administrative component of the agency and (c) reports directly and is directly accountable to the administrative or executive head of the agency.

(9) "Position" means a particular job which has been classified based on specifications.

(10) "Specification" means a description of a class of position which defines the class, provides examples of work performed and the minimum qualifications required for employment.
(11) "Veteran" means any person who has served in the armed forces of the United States of America during World War I (April 6, 1917—November 11, 1918), World War II (December 7, 1941—December 31, 1946), the Korean Conflict (June 27, 1950—January 31, 1955), or the Vietnam Conflict (August 5, 1964—March 28, 1973), and who has received a discharge under honorable conditions from such service.

§29-6-3. Classified service.

1. The classified service includes all positions covered by the present civil service system as of the thirtieth day of June, one thousand nine hundred seventy-six, except as otherwise provided in this article. Positions may be added to the classified service as provided in section four of this article.

§29-6-4. Classified-exempt service; additions to classified service; exceptions.

1. The classified-exempt service comprises all positions not included in the classified service and those positions specifically excepted from the classified service as provided in this section.

2. In no event shall persons employed by the board of regents be considered as included in either the classified or classified-exempt service.

3. Except for the period commencing on the first day of July, one thousand nine hundred seventy-six, and ending on the first Monday after the second Wednesday of the following January and except for the same periods commencing in the year one thousand nine hundred eighty and in each fourth year thereafter, the governor may, by executive order, with the written consent of the civil service commission and the appointing authority concerned, add to the list of positions in the classified service, but such additions shall not include the following:

4. (1) The state Legislature and other officers elected by popular vote and persons appointed to fill vacancies in elective offices.

5. (2) Members of boards and commissions and heads of departments appointed by the governor or such heads of
departments selected by commissions or boards when expressly exempt by law or board order.

(3) Excluding the policymaking positions in an agency, one principal assistant or deputy and one private secretary for each board or commission or head of a department elected or appointed by the governor or Legislature.

(4) All policymaking positions.

(5) Not more than fifteen employees in the office of the governor.

(6) Judges, referees, receivers, jurors and notaries public.

(7) The secretaries and clerks of each judge of a court of record.

(8) Patients or inmates employed in state institutions.

(9) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature or a committee thereof, an executive department or by authority of the governor.

(10) All employees assigned to the executive mansion.

(11) Laborers employed by any agency.

(12) Managers and clerks of liquor stores.

(13) Superintendent, county maintenance of roads, and all personnel under his supervision.

(14) Part-time professional personnel engaged in professional services without administrative duties and personnel employed for less than ninety working days a year.

(15) All clerical employees who are not under the present classified system and whose jobs do not require special knowledge or skill and training in the operation of business machines.

All executive orders of the governor adding to the list of positions in the classified service which were dated or issued during the period commencing on the first day of July, one thousand nine hundred seventy-six, and ending on the first Monday after the second Wednesday of the following January or which are dated or issued within the same period commencing in the year one thousand nine hundred eighty or in each fourth year thereafter,
shall be null and void, and no person occupying a position added by such executive order to the list of positions in the classified service shall be entitled on account of such order to any right bestowed upon any position or person within the classified service by the provisions of this article or by any rule or regulation promulgated thereunder.

Nothing herein shall be construed as precluding the appointing authorities from filling any classified-exempt position in the manner in which positions in the classified service are filled.

§29-6-5. State personnel department generally; personnel, funds, equipment, etc.

The present department of personnel of the civil service system as of the effective date of this article is continued. The services of the employees of the present office of the director of personnel shall be considered continuous. In addition, all funds, equipment, supplies, personnel and property records, or anything of value now in the possession of the state personnel department shall remain therein.

§29-6-6. Selection and appointment of director of personnel; duties; qualifications; removal.

After selection through open competitive examination, then upon recommendation of the civil service commission, the governor shall appoint a director of personnel, who shall be experienced in the field of personnel administration, and who shall be knowledgeable concerning scientific methods governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation and welfare of employees, and who is in known sympathy with the application of merit principles in public employment. The selection and appointment must be in conformity with civil service rules. The present director of personnel may be the appointee. It shall be his duty to administer this article so as to effectuate the general purpose of such article as set forth in section one hereof. The director of personnel may be removed by the civil service commission for cause only after he has been
presented in writing with the reasons for his removal. He shall be given an opportunity, not less than fifteen days, to answer any charges either in writing or upon his request to be heard by the commission. The statement of reasons and answer or transcript of hearing shall be filed with the secretary of state as a public record. The decision of the commission, after a hearing, shall be final and not subject to appeal.

None of the provisions of section two-a, article seven, chapter six of this code, except the annual salary provision, shall be applicable to the director of personnel of the civil service system.

§29-6-7. Civil service commission; qualifications of members; vacancies; appointment and terms of members; removal; compensation; chairman; meetings; advisory board.

(a) That agency of state government heretofore established and known as the civil service commission shall continue to exist. The commission shall consist of three members with the following qualifications: One shall be a person with professional experience in the personnel matters of business and industry; one with such experience in the field of government personnel administration; and one with such experience in the field of labor.

Of the three members of the commission: One shall serve for a term ending on the thirtieth day of June, one thousand nine hundred eighty; one for a term ending on the thirtieth day of June, one thousand nine hundred eighty-one; and one for a term ending on the thirtieth day of June, one thousand nine hundred eighty-two. Thereafter, each member of the commission shall be appointed for a term ending six years from the date of expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term. Each member of the commission shall hold office until his successor is appointed and qualified.

The members of the civil service commission shall be persons in sympathy with the application of merit prin-
ciples to public employment. No member of the com-
mission shall be a member of any local, state, or national
committee of a political party or an officer or member
of a committee in any partisan political club or organiza-
tion or shall hold, or be a candidate for, any paid public
office. Not more than two members of the same political
party shall serve on the commission at the same time.

(b) The governor shall nominate, and by and with the
advice and consent of the Senate, appoint the members of
the commission. On or after the effective date of this
article, the governor may continue in office any member
of the commission previously appointed for the term to
which such member was appointed, notwithstanding the
qualifications established in subsection (a) of this section;
or the governor may appoint to complete such term a
new member who shall meet such professional qualifica-
tions.

(c) Except as permitted by subsection (b) of this
section, a member of the commission may not be re-
moved from office except for official misconduct, incom-
petence, neglect of duty, gross immorality or malfeas-
ance, and then only in the manner prescribed in article
six, chapter six of this code for the removal by the
governor of state elected officers.

(d) Members of the commission shall each be paid
seventy-five dollars for each day devoted to the work
of the commission, but not more than one thousand eight
hundred dollars in any one fiscal year. Each member
shall be reimbursed for all reasonable and necessary ex-
penses actually incurred in the performance of his duties,
except that in the event the expenses are paid, or are
to be paid, by a third party, the members shall not be
reimbursed by the state.

(e) The commission shall elect one of its members
chairman. It shall meet at such time and place as shall
be specified by call of the chairman or the director of
personnel. At least one meeting shall be held in each
month. All meetings shall be open to the public. Notice
of each meeting shall be given in writing to each member
by the director at least three days in advance of the
§29-6-8. Duties of commission generally.

1. In addition to the duties expressly set forth elsewhere in this article, the commission shall:
   1. (1) Represent the public interest in the improvement of personnel administration in the classified service.
   2. (2) Advise the governor and the director on problems concerning personnel administration.
   3. (3) Foster the interest of institutions of learning and of industrial, civic, professional and employee organizations in the improvement of personnel standards in the classified service.
   4. (4) Make any investigation which it may consider desirable concerning the administration of personnel in the classified service and make recommendations to the director with respect thereto.
   5. (5) Make an annual report and special reports and recommendations to the governor and to the Legislature.
   6. (6) Approve the budget as prepared by the director for administration of this article before submission to the department of finance and administration.

§29-6-9. Duties of director generally; designating employee to act in absence of director; assistants in preparation and rating of tests.

1. (a) The director, as executive head of the department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him elsewhere in this article, it shall be his duty:
   1. (1) To apply and carry out this article and the rules adopted thereunder.
   2. (2) To attend meetings of the commission and to act as its secretary and keep minutes of its proceedings.
(3) To establish and maintain a roster of all employees in the classified and classified-exempt service, in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.

(4) To appoint such employees of the department and such experts and special assistants as may be necessary to carry out effectively the provisions of this article.

(5) To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.

(6) To make available to the public information about vacancies in the classified and classified-exempt service and to strive constantly to attract to the career service of this state people of the highest ability.

(7) To investigate from time to time the operation and effect of this law and of the rules made thereunder and to report his findings and recommendations to the commission and to the governor.

(8) To make to the commission an annual report regarding the work of the department and such special reports as he may consider desirable.

(9) To prepare the annual budget for the department of personnel and, when approved by the commission, submit it to the director of the budget.

(10) To perform any other lawful acts which he may consider necessary or desirable to carry out the purposes and provisions of this article.

(b) In the event of the absence of the director or his inability for any cause to discharge the powers and duties of his office, the commission may from time to time designate in writing an employee of the department to act for him. In such case, the powers and duties of the director shall devolve upon such employee designated by the commission.

(c) The director may designate appropriate persons, including officers and employees in the state service, to assist in the preparation and rating of tests. An appointing authority shall excuse any employee in his division
from his regular duties for the time required for his work
as an examiner. No officer or employee shall be entitled
to extra compensation for further services as an examiner
but shall be reimbursed for all reasonable and necessary
expenses actually incurred in the performance of his
duties as an examiner; except that in the event the ex-
penses are paid, or are to be paid, by a third party, re-
imbursement will not be made by the state.

§29-6-10. Rules of commission.
1 The commission shall have the authority to promulgate,
2 amend or repeal rules, in accordance with chapter
twenty-nine-a of this code, to implement the provisions
of this article.
5 (1) For the preparation, maintenance and revision of
a position classification plan for all positions in the classi-
sified service and a position classification plan for all posi-
tions in the classified-exempt service, based upon simi-
larities of duties performed and responsibilities assumed,
so that the same qualifications may reasonably be required
for and the same schedule of pay may be equitably ap-
plied to all positions in the same class. The position
classification plan for classified-exempt service shall be-
come effective not later than the first day of July, one
thousand nine hundred seventy-nine. Except for persons
employed by the board of regents, all persons receiving
compensation in the form of a wage or salary, funded
either in part or in whole by the state, shall be included
in either the position classification plan for classified
service or classified-exempt service. After each such
classification plan has been approved by the commission,
the director shall allocate the position of every employee
in the classified service to one of the classes in the
classified plan and the position of every employee in the
classified-exempt service to one of the positions in the
classified-exempt plan. Any employee affected by the
allocation of a position to a class shall, after filing with
the director of personnel a written request for reconsider-
ation thereof in such manner and form as the director
may prescribe, be given a reasonable opportunity to be
heard thereon by the director. The interested appointing
authority shall be given like opportunity to be heard.
(2) For a pay plan for all employees in the classified service, after consultation with appointing authorities and the state fiscal officers, and after a public hearing held by the commission. Such pay plan shall become effective only after it has been approved by the governor after submission to him by the commission. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he is employed. The principle of equal pay for equal work in the several agencies of the state government shall be followed in the pay plan as established hereby.

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions in the classified service. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one year after this article takes effect. Such examinations shall be announced publicly at least fifteen days in advance of the date fixed for the filing of applications therefor, and may be advertised through the press, radio and other media. The director may, however, in his discretion, continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service; and may add the names of successful candidates to existing eligible lists in accordance with their respective ratings.

An additional five points shall be awarded to the score of any examination successfully completed by a veteran. A disabled veteran shall be entitled to an additional ten points, rather than five points as aforesaid, upon successful completion of any examination.

(4) For promotions within the classified service which shall give appropriate consideration to the applicant's qualifications, record of performance and his score on written examination, when such examination is practicable. In filling vacancies an effort should be made to achieve a balance between promotion from within the service and the introduction into the service of qualified new employees. An advancement in rank or grade or an...
increase in salary beyond the maximum fixed for the class shall constitute a promotion.

(5) For the establishment of eligible lists for appointment and promotion within the classified service, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Eligibility for appointment from any such list shall continue not longer than three years. An appointing authority shall make his selection from the top five names on the appropriate lists of eligibles.

(6) For the rejection of candidates or eligibles within the classified service who fail to comply with reasonable requirements in regard to such factors as age, physical condition, character, training and experience, who are addicted to alcohol or narcotics, or who have attempted any deception or fraud in connection with an examination, or where in the judgment of the commission there is reasonable doubt of the loyalty of the candidate or allegiance to the nation.

(7) For a period of probation not to exceed one year before appointment or promotion may be made complete within the classified service.

(8) For provisional employment without competitive examination within the classified service when there is no appropriate eligible list available. No such provisional employment shall continue longer than six months, nor shall successive provisional appointments be allowed, except during the first year after the effective date of this article, in order to avoid stoppage of orderly conduct of the business of the state.

(9) For keeping records of performance of all employees in the classified service, which service records may be considered in determining salary increases and decreases provided in the pay plan; as a factor in promotion tests; as a factor in determining the order of layoffs because of lack of funds or work and in reinstatement; and as a factor in demotions, discharges and transfers.

(10) For layoffs by reason of lack of funds or work, or abolition of a position, or material change in duties or
organization, and for reemployment of employees so laid
off, giving consideration in both layoffs and reemploy­
ment to performance record and seniority within the
classified service.

(11) For discharge or reduction in rank or grade only
for cause of employees in the classified service. Discharge
or reduction of these employees shall take place only after
the person to be discharged or reduced has been presented
with the reasons for such discharge or reduction stated in
writing, and has been allowed a reasonable time to reply
thereto in writing, or upon request to appear personally
and reply to the appointing authority or his deputy. The
statement of reasons and the reply shall be filed as a
public record with the director. Notwithstanding the
foregoing provisions of this subdivision, no permanent
employee shall be discharged from the classified service
for absenteeism upon using all entitlement to annual
leave and sick leave when such use has been due to illness
or injury as verified by a physician's certification or for
other extenuating circumstances beyond the employee's
control unless his disability is of such a nature as to
permanently incapacitate him from the performance of
the duties of his position. Upon exhaustion of annual
leave and sick leave credits for the reasons specified
herein and with certification by a physician that the
employee is unable to perform his duties, a permanent
employee shall be granted a leave of absence without pay
for a period not to exceed six months if such employee
is not permanently unable to satisfactorily perform the
duties of his position.

(12) For such other rules and administrative regu­
lations, not inconsistent with this article, as may be proper
and necessary for its enforcement.

(13) The commission shall review and approve by
rules and regulations the establishment of all classified-
exempt positions to assure consistent interpretation of
the provisions of this article.

The commission and the director may include in the
rules provided for in this article such provisions as are
necessary to conform to regulations and standards of any
federal agency governing the receipt and use of federal
grants-in-aid by any state agency, anything in this article
to the contrary notwithstanding. The commission and the
director shall see that rules and practices meeting such
standards are in effect continuously after the effective
date of this article.

§29-6-11. Duty to furnish facilities for department’s use.

All officers and employees of the state and of munici-
palities and political subdivisions of the state shall allow
the department the reasonable use of public buildings
under their control, and furnish heat, light and furniture,
for any examination, hearing or investigation authorized
by this article. The department shall pay to a municipality
or political subdivision the reasonable cost of any such
facilities furnished by it.

§29-6-12. Duties of state officers and employees; legal pro-
cceedings to secure compliance with article and
rules.

All officers and employees of the state shall comply
with and aid in all proper ways in carrying out the pro-
visions of this article and the rules, regulations and orders
thereunder. All officers and employees shall furnish any
records or information which the director or the com-
misson may request for any purpose of this article. The
director may institute and maintain any action or pro-
ceeding at law or in equity that he considers necessary
or appropriate to secure compliance with this article and
the rules and orders thereunder.


(a) Except in the case of the removal of an employee
for cause and except for persons in policymaking posi-
tions, employees who have gained permanent status under
the present system of classified service as of the effective
date of this article will not be subject to further examina-
tion, except when they wish to qualify for promotion, and
will continue in the position they hold. Their rights as
permanent employees shall be continuous. Employees
holding provisional appointments under the present sys-
tem of classified service must qualify for permanent ap-
pointments under competitive examination.

(b) No person occupying a policymaking position, in-
cluding persons included in and qualified for the classified
service on the effective date of this article, shall be entitled
to any right bestowed upon any position or person within
the classified service by the provisions of this article or
by any rule or regulation promulgated thereunder:
Provided, That any person who, on the effective date of
this article, is serving in a policymaking position and is
included in and qualified for the classified service in any
agency to which the federal merit systems standards apply
on account of a state program financed in whole or in
part by federal funds shall lose no rights because of the
enactment of this section.

(c) Employees holding positions included under classi-
fied service by this article or placed under the same by
future action shall be required to take qualifying tests
prescribed by the director.

Nothing in this article shall preclude the reclassification
or reallocation as provided by this article of any position.

§29-6-14. Certification of payrolls; failure of appointing au-
thority to comply with order of commission;
wrongfully withholding certification of payroll.

(a) No state disbursing or auditing officer shall make
or approve or take any part in making or approving any
payment for personal service to any person holding a
position in the classified service unless the payroll
voucher or account of such pay bears the certification of
the director, or of his authorized agent, that the persons
named therein have been appointed and employed in ac-
 accordance with the provisions of this article and the rules,
regulations and orders thereunder. The director may for
proper cause withhold certification from an entire payroll
or from any specific item or items thereon. The director
may, however, provide that certification of payrolls may
be made once every six months, and such certification
shall remain in effect except in the case of any officer
or employee whose status has changed after the last
certification of his payroll. In the latter case no voucher
for payment of salary to such employee shall be issued
or payment of salary made without further certification
by the director.
(b) If an appointing authority fails to comply with
an order of the commission within thirty days after a
hearing, he shall be personally liable to the appealing
employee for any salary due from the time of the final
order of reinstatement by the commission.
(c) If the director wrongfully withholds certification
of the payroll voucher or account of any employee, such
employee may maintain a proceeding in the courts to
compel the director to certify such payroll voucher or
account.
§29-6-15. Appeals by employees to commission; hearings;
review by court of appeals.
Any employee in the classified service who is dismissed
or demoted after completing his probationary period of
service or who is suspended for more than thirty days
in any one year, may, within thirty days after such dis-
missal, demotion or suspension, appeal to the commission
for review thereof. Upon such review, both the appealing
employee and the appointing authority whose action is
reviewed shall have the right to be heard publicly and

...
cause, the commission may provide for such other remedy or remedies, as may be deemed appropriate and in the best interest of the parties. The commission shall expressly have the authority by order to provide for such remedies as it may deem to be appropriate after it has made a complete review of the circumstances of each individual case and such remedies shall include, but not be limited to, the restoration of all or part of an individual's back pay or wages for the period of the suspension or reinstatement of an individual to his former position or a position of like status and pay or reemployment to any other position which in the judgment of the commission is in the best interest of the parties or any combination of such remedies. When any employee is dismissed and not reinstated after such appeal, the commission in its discretion may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he has been removed. Any final action or decision taken or made hereunder shall be subject to review by the supreme court of appeals, if appeal is made within sixty days of the action or decision complained of.

§29-6-16. Records of state personnel department.
1 The records of the department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the director.

§29-6-17. Services to political subdivisions; cooperation with agencies for other jurisdictions.
1 (a) Subject to the approval of the commission the director may enter into agreements with any municipality or other political subdivision of the state to furnish services and facilities of the department to such municipality or political subdivision in the administration of its personnel on merit principles. Any such agreements shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished, as determined by the director. All municipalities and
political subdivisions of the state are hereby authorized
to enter into such agreements. Subject to the approval
of the commission, the director may enter into an agree-
ment with the state department of health for the inclu-
sion of personnel of local health departments under the
classified service system established by this article.

(b) The director may cooperate with governmental
agencies for other jurisdictions charged with personnel
administration in conducting joint tests and establishing
joint lists from which eligibles shall be certified for ap-
pointment in accordance with the provisions of this
article.

§29-6-18. Oaths, testimony and production of records; immu-

nity from suit.

The commission, each member of the commission and
the director shall have power to administer oaths, sub-
poena witnesses and compel the production of books and
papers pertinent to any investigation or hearing autho-
rized by this article. Any person who shall fail to appear
in response to a subpoena or to answer any question or
produce any books or papers pertinent to any such investi-
gation or hearing or who shall knowingly give false testi-
mony therein shall be subject to the penalty provisions
provided for in this article. Immunity from civil suit is
hereby granted for all relevant evidence offered at com-
mission hearings.

§29-6-19. Refusal to testify.

If any employee in the classified or classified-exempt
service shall willfully refuse or fail to appear before any
court or judge, any legislative committee, or any officer,
board or body authorized to conduct any hearing or in-
quiry, or having appeared shall refuse to testify or an-
swer any question relating to the affairs or government
of the state or the conduct of any state officer or employee
on the ground that his testimony or answers would tend
to incriminate him, or shall refuse to accept a grant of
immunity from prosecution on account of any matter
about which he may be asked to testify at any such hear-
ing or inquiry, he shall forfeit his office or position and
§29-6-20. Favoritism or discrimination because of political or religious opinions, affiliations or race; political activities prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to such employment because of his political or religious opinions or affiliations or race; but nothing herein shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found disloyal to the nation.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) No employee in the classified service or member of the commission or the director shall, directly or indirectly, solicit or receive any assessment, subscription or contribution, or perform any service for any political party, or in any manner take part in soliciting any such assessment, subscription, contribution or service of any employee in the classified service.

(e) No employee in the classified service shall be a member of any national, state or local committee of a political party, or an officer or member of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, or hold any paid elective public office, or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.
(f) Political participation pertaining to constitutional amendments, referendums, approval of municipal ordinances, nonpartisan activities or issues, and other similar questions or activities shall not be deemed to be prohibited by the foregoing provisions of this section.


1. (a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article and the rules.

2. (b) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, or other valuable consideration for or on account of any certification appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

3. (c) No employee of the department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

§29-6-22. Penalties.

1. (a) Any person who willfully violates any provision of this article or of the rules shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for a period not to exceed one year, or both fined and imprisoned. Jurisdiction under this section shall be in a court of record exercising criminal jurisdiction within the county where-in the offense is committed.

2. (b) Any person who is convicted of a misdemeanor under this article shall, for a period of five years, be ineligible for appointment to or employment in a position in the classified or classified-exempt service, and if he is
14. an officer or employee of the state, shall forfeit his present office or position.

§29-6-23. Appropriations; cost of administering article; acceptance of grants or contribution.

(a) Appropriations shall be made from the general fund to the department of personnel to meet the cost of administering the provisions of this article.

(b) The director shall maintain accurate records reflecting the cost of administering the provisions of this article.

(c) The department is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purposes of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James E. Davis
Chairman Senate Committee

Claude E. Christie
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. McCullough, Jr.
Clerk of the Senate

N. Blankenship
Clerk of the House of Delegates

W. B. Webster, Jr.
President of the Senate

Donald L. Hoop
Speaker House of Delegates

The within is approved this the 16th day of May, 1977.

Governor