WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 532

(By Senator Brackenridge)

PASSED March 5, 1990

In Effect from Passage
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Senate Bill No. 532
(By Senator Brackenrich)

[Passed March 5, 1990; in effect from passage.]

AN ACT to amend and reenact section four, article six, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to civil service system; exemptions to coverage under classified service; changing definition of seasonal employee; exempting nine-month employees of state forests, parks and recreational areas from civil service coverage and benefits accorded full-time employees.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. CIVIL SERVICE SYSTEM.

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

1. (a) The classified-exempt service includes all positions included in the classified-exempt service on the effective date of this article.

2. (b) Except for the period commencing on the first day of July, one thousand nine hundred ninety-two,
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 thou-
sand nine hundred ninety-six, and in each fourth year
thereafter, the governor may, by executive order, with
the written consent of the state personnel board and
the appointing authority concerned, add to the list of
positions in the classified service, but such additions
shall not include any positions specifically exempted
from coverage as provided in this section.

(c) The following offices and positions are exempt
from coverage under the classified service:

(1) All judges, officers and employees of the judiciary;

(2) All members, officers and employees of the
Legislature;

(3) All officers elected by popular vote and
employees of the officer;

(4) All secretaries of departments and employees
within the office of a secretary;

(5) 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;

(6) 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;

(7) All policymaking positions;

(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 of the office of the governor,
including all employees assigned to the executive
mansion;

(11) County road supervisors employed by the department of highways or their successors;

(12) Part-time professional personnel engaged in professional services without administrative duties and personnel employed for ninety days or less during a working year;

(13) Members and employees of the board of regents or its successor agencies;

(14) Uniformed personnel of the division of public safety; and

(15) Seasonal employees in the state forests, parks, and recreational areas working less than 1560 hours per calendar year: Provided, That notwithstanding any provision of law to the contrary, seasonal employees shall not be considered full-time employees.

(d) The Legislature finds that the holding of political beliefs and party commitments consistent or compatible with those of the governor contributes in an essential way to the effective performance of and is an appropriate requirement for occupying certain offices or positions in state government, such as the secretaries of departments and the employees within their offices, the heads of agencies appointed by the governor and, for each such head of agency, a private secretary and one principal assistant or deputy, all employees of the office of the governor including all employees assigned to the executive mansion, as well as any persons appointed by the governor to fill policymaking positions and county road supervisors or their successors, in that such offices or positions are confidential in character and/or require their holders to act as advisors to the governor or his appointees, to formulate and implement the policies and goals of the governor or his appointees, or to help the governor or his appointees communicate with and explain their policies and views to the public, the Legislature and the press.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick G. Parker  
Chairman Senate Committee

Bernard V. Kelly  
Chairman House Committee

Originated in the Senate.

In effect from passage.

Harrell E. Chesnut  
Clerk of the Senate

Donald T. Harp  
Clerk of the House of Delegates

Matt Bostic  
President of the Senate

James W. Johnson  
Speaker House of Delegates

The within is approved this the 12th day of January, 1990.

Jaston Carpenter  
Governor