WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 69

(By Senators Spears and Felton)

PASSED March 7, 1991
In Effect July 1, 1991
ENROLLED

Senate Bill No. 69

(BY SENATORS SPEARS AND FELTON)

[Passed March 7, 1991; to take effect July 1, 1991.]

AN ACT to amend and reenact section one, article thirteen, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two, article six, chapter twenty-nine of said code, all relating to extending the preference rating of veterans to veterans who have served in campaigns, expeditions or conflicts for which a campaign badge has been authorized and received; awarding five points to certain veterans; awarding an additional five points to certain other veterans; defining terms; and redefining the term “veteran”.

Be it enacted by the Legislature of West Virginia:

That section one, article thirteen, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section two, article six, chapter twenty-nine of said code be amended and reenacted, all to read as follows:
CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATIONS ON NONPARTISAN MERIT BASIS.

§6-13-1. Preference rating of veterans on written examinations for positions in state departments filled under nonpartisan merit system.

1 For positions in any department or agency in which positions are filled under civil service or any job classification system, a preference of five points in addition to the regular numerical score received on examination shall be awarded to all veterans having qualified for appointment by making a minimum passing grade; and to all veterans awarded the purple heart, or having a compensable service-connected disability, as established by any proper veterans' bureau or department of the federal government, an additional five points shall be allowed.

12 For the purpose of this article, "veteran" shall mean any person who has served in the armed forces of the United States during the Spanish American War, World War I, World War II, the Korean Conflict, the Southeast Asian Conflict or in a campaign, expedition or conflict for which a campaign badge has been authorized and received by such person, and who has been honorably discharged from such service.

20 Such awards shall be made for the benefit and preference in appointment of all veterans who have heretofore or who shall hereafter take such examinations, but shall not operate to the detriment of any person heretofore appointed to a position in such department or agency.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-2. Definition of terms.

1 As used in this article, unless the context indicates otherwise, the term:
(a) "Administrator" means any person who fills a statutorily created position within or related to an agency or board (other than a board member) and who is designated by statute as commissioner, deputy commissioner, assistant commissioner, director, chancellor, chief, executive director, executive secretary, superintendent, deputy superintendent or other administrative title, however designated;

(b) "Agency" means any administrative unit of state government, including any authority, board, bureau, commission, committee, council, division, section or office;

(c) "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;

(d) "Board" means the state personnel board created by section six of this article;

(e) "Class" or "class of positions" means a group of positions sufficiently similar in duties, training, experience and responsibilities, as determined by specifications, 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;

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

(g) "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;

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

(i) "Classify" means to group all positions in classes and to allocate every position to the appropriate class in the classification plan;
(j) "Director" means the head of the division of personnel as appointed by section seven of this article;
(k) "Council" means the state personnel advisory council created in section nine-a of this article;
(l) "Division" means the division of personnel herein created;
(m) "Policymaking position" means a position in which the person occupying it: (1) Acts as an advisor to, or formulates plans for the implementation of broad goals for, an administrator or the governor; (2) is in charge of a major administrative component of the agency; and (3) reports directly and is directly accountable to an administrator or the governor;
(n) "Position" means a particular job which has been classified based on specifications;
o) "Secretary" means the secretary of the department of administration created in section two, article one, chapter five-f of this code;
p) "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;
(q) "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), the Vietnam Conflict (August 5, 1964-May 7, 1975), or in a campaign, expedition or conflict for which a campaign badge has been authorized and received by such person, and who has received a discharge under honorable conditions from such service.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer J. Leach
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill was passed this the ___________ day of ___________, 1991.

Governor