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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

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## ENROLLED

SENATE BILL NO. 69

(By Senators Spears and Felton)

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PASSED March 7, 1991

In Effect July 1, 1991

**ENROLLED**

**Senate Bill No. 69**

(BY SENATORS SPEARS AND FELTON)

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

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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 examina-  
tions for positions in state departments filled  
under nonpartisan merit system.**

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

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

20 Such awards shall be made for the benefit and  
21 preference in appointment of all veterans who have  
22 heretofore or who shall hereafter take such examina-  
23 tions, but shall not operate to the detriment of any  
24 person heretofore appointed to a position in such  
25 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  
2 otherwise, the term:

3 (a) "Administrator" means any person who fills a  
4 statutorily created position within or related to an  
5 agency or board (other than a board member) and  
6 who is designated by statute as commissioner, deputy  
7 commissioner, assistant commissioner, director, chan-  
8 cellor, chief, executive director, executive secretary,  
9 superintendent, deputy superintendent or other  
10 administrative title, however designated;

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

15 (c) "Appointing authority" means a person or group  
16 of persons authorized by an agency to make appoint-  
17 ments to positions in the classified or classified-exempt  
18 service;

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

21 (e) "Class" or "class of positions" means a group of  
22 positions sufficiently similar in duties, training, expe-  
23 rience and responsibilities, as determined by specifica-  
24 tions, that the same qualifications, the same title and  
25 the same schedule of compensation and benefits may  
26 be equitably applied to each position in the group;

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

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

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

37 (i) "Classify" means to group all positions in classes  
38 and to allocate every position to the appropriate class  
39 in the classification plan;

40 (j) "Director" means the head of the division of  
41 personnel as appointed by section seven of this article;

42 (k) "Council" means the state personnel advisory  
43 council created in section nine-a of this article;

44 (l) "Division" means the division of personnel  
45 herein created;

46 (m) "Policymaking position" means a position in  
47 which the person occupying it: (1) Acts as an advisor  
48 to, or formulates plans for the implementation of  
49 broad goals for, an administrator or the governor; (2)  
50 is in charge of a major administrative component of  
51 the agency; and (3) reports directly and is directly  
52 accountable to an administrator or the governor;

53 (n) "Position" means a particular job which has  
54 been classified based on specifications;

55 (o) "Secretary" means the secretary of the depart-  
56 ment of administration created in section two, article  
57 one, chapter five-f of this code;

58 (p) "Specification" means a description of a class of  
59 position which defines the class, provides examples of  
60 work performed and the minimum qualifications  
61 required for employment;

62 (q) "Veteran" means any person who has served in  
63 the armed forces of the United States of America  
64 during World War I (April 6, 1917-November 11, 1918),  
65 World War II (December 7, 1941-December 31, 1946),  
66 the Korean Conflict (June 27, 1950-January 31, 1955),  
67 the Vietnam Conflict (August 5, 1964-May 7, 1975), or  
68 in a campaign, expedition or conflict for which a  
69 campaign badge has been authorized and received by  
70 such person, and who has received a discharge under  
71 honorable conditions from such service.

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

*Lomer Leck*  
.....  
Chairman Senate Committee

*Ernest C Moore*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

*Darrell R. White*  
.....  
Clerk of the Senate

*Donald L. Kapp*  
.....  
Clerk of the House of Delegates

*Neil Sundt*  
.....  
President of the Senate

*Robt. C. Cline*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *14<sup>th</sup>* .....  
day of *June* ....., 1991.

*Yaston Caperton*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/2/91

Time 10:29 am