

HB 4068

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

HOUSE BILL No. 4068

(By Delegates Bennett & Manuel)



Passed March 3, 1994

In Effect ninety days from passage
July 9, 1994 Passage

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H. B. 4068

(By DELEGATES BENNETT AND MANUEL)

[Passed March 3, 1994; in effect July 1, 1994.]

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Frank

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, relating to the veterans' preference on written examinations used to fill nonpartisan merit system positions in state government; and revising the definition of veteran to specifically include certain periods of active and reserve service and disabled veterans.

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 to read as follows:

ARTICLE 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATION 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
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' bureau
10 or department of the federal government, an additional
11 five points shall be allowed.

12 For the purpose of this article, a person is defined as
13 a "veteran" if he or she fulfills the requirements of one
14 of the following subsections:

15 (a) Served on active duty anytime between the seventh
16 day of December, one thousand nine hundred forty-one,
17 and the first day of July, one thousand nine hundred
18 fifty-five. However, any person who was a reservist
19 called to active duty between the first day of February,
20 one thousand nine hundred fifty-five, and the fourteenth
21 day of October, one thousand nine hundred seventy-six
22 must meet condition (b) stated below;

23 (b) Served on active duty anytime between the second
24 day of July, one thousand nine hundred fifty-five, and
25 the fourteenth day of October, one thousand nine
26 hundred seventy-six, or a reservist called to active duty
27 between the first day of February, one thousand nine
28 hundred fifty-five, and the fourteenth day of October,
29 one thousand nine hundred seventy-six, and who served
30 for more than one hundred eighty days;

31 (c) Entered on active duty between the fifteenth day
32 of October, one thousand nine hundred seventy-six, and
33 the seventh day of September, one thousand nine
34 hundred eighty, or a reservist who entered on active
35 duty between the fifteenth day of October, one thousand
36 nine hundred seventy-six, and the thirteenth day of
37 October, one thousand nine hundred eighty-two, and
38 received a campaign badge or expeditionary medal or
39 is a disabled veteran; or

40 (d) Enlisted in the armed forces after the seventh day
41 of September, one thousand nine hundred eighty, or
42 entered active duty other than by enlistment on or after
43 the fourteenth day of October, one thousand nine
44 hundred eighty-two; and

45 (1) Completed twenty-four months of continuous active
46 duty or the full period called or ordered to active duty,
47 or was discharged under 10 U.S.C. 1171, or for hardship

48 under 10 U.S.C. 1173, and received or was entitled to
49 receive, a campaign badge or expeditionary medal; or

50 (2) Is a disabled veteran.

51 To receive veteran preference, separation from active
52 duty must have been under honorable conditions. This
53 includes honorable and general discharges. A clemency
54 discharge does not meet the requirements of the Veteran
55 Preference Act. Active duty for training in the military
56 reserve and national guard programs is not considered
57 active duty for purposes of veteran preference.

58 These awards shall be made for the benefit and
59 preference in appointment of all veterans who have
60 heretofore or who shall hereafter take examinations, but
61 shall not operate to the detriment of any person
62 heretofore appointed to a position in a department or
63 agency.

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

[Handwritten signature]

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

ok/
h7m'4

Takes effect ^{ninety days from passage} July 1, 1994.

Carroll Thomas

Clerk of the Senate

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

Walt ...
President of the Senate

Rob ...
Speaker of the House of Delegates

The within *is approved* this the *16th* day of *March*, 1994.
Winston Capner
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/94

Time 1:14 pm