

360014

RECEIVED

1995 MAR 24 PM 12:05

OFFICE OF LEGISLATIVE SERVICES
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 14

(By Senator DITTMAR, ET AL)



PASSED MARCH 11, 1995

In Effect 90 DAYS FROM Passage

ENROLLED
Senate Bill No. 14

(BY SENATORS DITTMAR, ANDERSON,
WHITLOW AND BAILEY)

[Passed March 11, 1995; in effect ninety days 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; classified-exempt service; additions to classified service; and exemptions.

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
- 2 included in the classified-exempt service on the effective
- 3 date of this article.

- 4 (b) Except for the period commencing on the first day
- 5 of July, one thousand nine hundred ninety-two, and
- 6 ending on the first Monday after the second Wednesday

7 of the following January and except for the same periods
8 commencing in the year one thousand nine hundred
9 ninety-six, and in each fourth year thereafter, the
10 governor may, by executive order, with the written
11 consent of the state personnel board and the appointing
12 authority concerned, add to the list of positions in the
13 classified service, but such additions shall not include
14 any positions specifically exempted from coverage as
15 provided in this section.

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

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

19 (2) All members, officers and employees of the Legisla-
20 ture;

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

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

25 (5) Members of boards and commissions and heads of
26 departments appointed by the governor or such heads of
27 departments selected by commissions or boards when
28 expressly exempt by law or board order;

29 (6) Excluding the policy-making positions in an
30 agency, one principal assistant or deputy and one private
31 secretary for each board or commission or head of a
32 department elected or appointed by the governor or
33 Legislature;

34 (7) All policy-making positions;

35 (8) Patients or inmates employed in state institutions;

36 (9) Persons employed in a professional or scientific
37 capacity to make or conduct a temporary and special
38 inquiry, investigation or examination on behalf of the
39 Legislature or a committee thereof, an executive depart-
40 ment or by authority of the governor;

41 (10) All employees of the office of the governor, includ-
42 ing all employees assigned to the executive mansion;

43 (11) County road supervisors employed by the division
44 of highways or their successors;

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

49 (13) Members and employees of the board of trustees
50 and board of directors or their successor agencies;

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

53 (15) Seasonal employees in the state forests, parks, and
54 recreational areas working less than 1,733 hours per
55 calendar year: *Provided*, That notwithstanding any
56 provision of law to the contrary, seasonal employees
57 shall not be considered full-time employees.

58 (d) The Legislature finds that the holding of political
59 beliefs and party commitments consistent or compatible
60 with those of the governor contributes in an essential
61 way to the effective performance of and is an appropri-
62 ate requirement for occupying certain offices or posi-
63 tions in state government, such as the secretaries of
64 departments and the employees within their offices, the
65 heads of agencies appointed by the governor and, for
66 each such head of agency, a private secretary and one
67 principal assistant or deputy, all employees of the office
68 of the governor including all employees assigned to the
69 executive mansion, as well as any persons appointed by
70 the governor to fill policy-making positions, in that such
71 offices or positions are confidential in character and/or
72 require their holders to act as advisors to the governor or
73 the governor's appointees, to formulate and implement
74 the policies and goals of the governor or the governor's
75 appointees, or to help the governor or the governor's
76 appointees communicate with and explain their policies
77 and views to the public, the Legislature and the press.

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

Ray Schover
.....
Chairman Senate Committee

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

Originated in the Senate.

In effect ninety days from passage.

Dorothy Blum
.....
Clerk of the Senate

Donald D. Huff
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Will Rubin
.....
Speaker House of Delegates

The within *is approved*..... this the *24th*.....
day of *March*..... 1995.

Gaston Caputo
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/23/95

Time 3:40pm