

HB 2765

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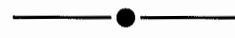
WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2765**

(By Delegates Warner and Pettit)



Passed March 13, 1999

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE
FOR

H. B. 2765

(BY DELEGATES WARNER AND PETTIT)

[Passed March 13, 1999; 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 exemptions from the classified service and additions to the classified service; removing county road supervisors from positions exempted from coverage under the classified service and exempting present county road supervisors from testing and providing for retention of their positions.

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 date
- 3 of this article.

4 (b) Except for the period commencing on the first day of
5 July, one thousand nine hundred ninety-two, and ending on the
6 first Monday after the second Wednesday of the following
7 January and except for the same periods commencing in the
8 year one thousand nine hundred ninety-six, and in each fourth
9 year thereafter, the governor may, by executive order, with the
10 written consent of the state personnel board and the appointing
11 authority concerned, add to the list of positions in the classified
12 service, but such additions shall not include any positions
13 specifically exempted from coverage as provided in this
14 section.

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

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

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

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

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

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

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

31 (7) All policy-making positions;

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

33 (9) Persons employed in a professional or scientific
34 capacity to make or conduct a temporary and special inquiry,
35 investigation or examination on behalf of the Legislature or a
36 committee thereof, an executive department or by authority of
37 the governor;

38 (10) All employees of the office of the governor, including
39 all employees assigned to the executive mansion;

40 (11) Part-time professional personnel engaged in profes-
41 sional services without administrative duties and personnel
42 employed for ninety days or less during a working year;

43 (12) Members and employees of the board of trustees and
44 board of directors or their successor agencies;

45 (13) Uniformed personnel of the state police; and

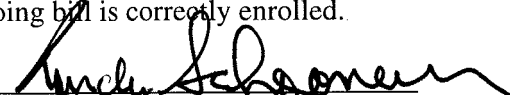
46 (14) Seasonal employees in the state forests, parks, and
47 recreational areas working less than 1,733 hours per calendar
48 year: *Provided*, That notwithstanding any provision of law to
49 the contrary, seasonal employees shall not be considered
50 full-time employees.

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

69 (e) All county road supervisor positions shall be covered
70 under the classified service effective the first day of July, one
71 thousand nine hundred ninety-nine: *Provided*, That any person
72 employed as a county road supervisor on the effective date of
73 this section, shall not be required to take or pass a qualifying or

74 competitive examination upon or as a condition of becoming a
75 classified service employee. All county road supervisors who
76 become classified service employees pursuant to this subsection
77 who are severed, removed or terminated in his or her employ-
78 ment must be severed, removed or terminated as if the person
79 was a classified service employee.

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



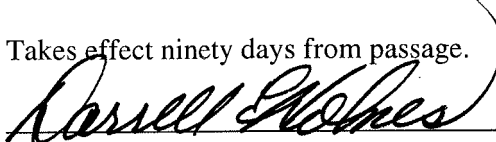
Chairman Senate Committee



Chairman House Committee

Originating in the House.


Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

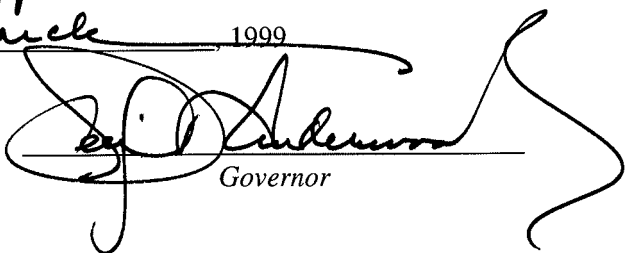


President of the Senate



Speaker of the House of Delegates

The within approved this the 3/5
day of March 1999



Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/99

Time 2:10 pm