WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

House Bill No. 4677

(By Delegates White, Stalnaker, Kominar, Laquinta and Argento)

Passed March 4, 2008

In Effect from Passage
AN ACT to amend and reenact §6-7-2a and §29-6-7 of the Code of West Virginia, 1931, as amended, all relating to the Director of Personnel; clarifying appointment of director; and authorizing that the hiring requirement is education or experience.

Be it enacted by the Legislature of West Virginia:

That §6-7-2a and §29-6-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.

(a) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which the Governor was elected
and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

Prior to the first day of July, two thousand six, each such named appointive state officer shall continue to receive the annual salaries they were receiving as of the effective date of the enactment of this section in two thousand six, and thereafter, notwithstanding any other provision of this code to the contrary, the annual salary of each named appointive state officer shall be as follows:

Commissioner, Division of Highways, ninety-two thousand five hundred dollars; Commissioner, Division of Corrections, eighty thousand dollars; Director, Division of Natural Resources, seventy-five thousand dollars; Superintendent, State Police, eighty-five thousand dollars; Commissioner, Division of Banking, seventy-five thousand dollars; Commissioner, Division of Culture and History, sixty-five thousand dollars; Commissioner, Alcohol Beverage Control Commission, seventy-five thousand dollars; Commissioner, Division of Motor Vehicles, seventy-five thousand dollars; Chairman, Health Care Authority, eighty thousand dollars; members, Health Care Authority, seventy thousand dollars; Director, Human Rights Commission, fifty-five thousand dollars; Commissioner, Division of Labor, seventy thousand dollars; Director, Division of Veterans' Affairs, sixty-five thousand dollars; Chairperson, Board of Parole, fifty-five thousand dollars; members, Board of Parole, fifty thousand dollars; members, Employment Security Review Board, seventeen thousand dollars; and Commissioner, Bureau of Employment Programs, seventy-
five thousand dollars. Secretaries of the departments shall be paid an annual salary as follows: Health and Human Resources, ninety-five thousand dollars; Transportation, ninety-five thousand dollars; Revenue, ninety-five thousand dollars; Military Affairs and Public Safety, ninety-five thousand dollars; Administration, ninety-five thousand dollars; Education and the Arts, ninety-five thousand dollars; Commerce, ninety-five thousand dollars; and Environmental Protection, ninety-five thousand dollars: Provided, That any increase in the salary of any current appointive state officer named in this subsection pursuant to the reenactment of this subsection during the regular session of the Legislature in two thousand six that exceeds five thousand dollars shall be paid to such officer or his or her successor beginning on the first day of July, two thousand six, in annual increments of five thousand dollars per fiscal year, up to the maximum salary provided in this subsection.

(b) Each of the state officers named in this subsection shall continue to be appointed in the manner prescribed in this code and, prior to the first day of July, two thousand six, each of the state officers named in this subsection shall continue to receive the annual salaries he or she was receiving as of the effective date of the enactment of this section in two thousand six, and shall thereafter, notwithstanding any other provision of this code to the contrary, be paid an annual salary as follows:

Director, Board of Risk and Insurance Management, eighty thousand dollars; Director, Division of Rehabilitation Services, seventy thousand dollars; Director, Division of Personnel, seventy thousand dollars; Executive Director, Educational Broadcasting Authority, seventy-five thousand dollars; Secretary, Library Commission, seventy-two thousand dollars; Director, Geological and Economic Survey, seventy-five thousand dollars; Executive Director,
Prosecuting Attorneys Institute, seventy thousand dollars; Executive Director, Public Defender Services, seventy thousand dollars; Commissioner, Bureau of Senior Services, seventy-five thousand dollars; Director, State Rail Authority, sixty-five thousand dollars; Executive Director, Women's Commission, forty-five thousand dollars; Director, Hospital Finance Authority, thirty-five thousand dollars; member, Racing Commission, twelve thousand dollars; Chairman, Public Service Commission, eighty-five thousand dollars; members, Public Service Commission, eighty-five thousand dollars; Director, Division of Forestry, seventy-five thousand dollars; Director, Division of Juvenile Services, eighty thousand dollars; and Executive Director, Regional Jail and Correctional Facility Authority, eighty thousand dollars: Provided, That any increase in the salary of any current appointive state officer named in this subsection pursuant to the reenactment of this subsection during the regular session of the Legislature in two thousand six that exceeds five thousand dollars shall be paid to such officer or his or her successor beginning on the first day of July, two thousand six, in annual increments of five thousand dollars per fiscal year, up to the maximum salary provided in this subsection.

(c) Each of the following appointive state officers named in this subsection shall be appointed by the Governor, by and with the advice and consent of the Senate. Each of the appointive state officers serves at the will and pleasure of the Governor for the term for which the Governor was elected and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers are subject to the existing qualifications for holding each respective office and each has and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.
Prior to the first day of July, two thousand six, each such named appointive state officer shall continue to receive the annual salaries they were receiving as of the effective date of the enactment of this section in two thousand six, and thereafter, notwithstanding any other provision of this code to the contrary, the annual salary of each named appointive state officer shall be as follows:

Commissioner, State Tax Division, ninety-two thousand five hundred dollars; Commissioner, Insurance Commission, ninety-two thousand five hundred dollars; Director, Lottery Commission, ninety-two thousand five hundred dollars; Director, Division of Homeland Security and Emergency Management, sixty-five thousand dollars; and Adjutant General, ninety-two thousand five hundred dollars;

(d) No increase in the salary of any appointive state officer pursuant to this section shall be paid until and unless the appointive state officer has first filed with the State Auditor and the Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General, certifying that his or her spending unit is in compliance with any general law providing for a salary increase for his or her employees. The Attorney General shall prepare and distribute the form to the affected spending units.

CHAPTER 29. MISCELLANEOUS BOARDS AND COMMISSIONS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7. Director of personnel; appointment; qualifications; powers and duties.

(a) The Secretary of the Department of Administration shall appoint the director. The director shall be a person
knowledgeable of the application of the merit principles in public employment as evidenced by the obtainment of a degree in business administration, personnel administration, public administration or the equivalent or at least five years of administrative experience in personnel administration. The salary for the director shall be that which is set out in section two-a, article seven, chapter six of this code.

(b) The director shall:

(1) Consistent with the provisions of this article, administer the operations of the division, allocating the functions and activities of the division among sections as the director may establish;

(2) Maintain a personnel management information system necessary to carry out the provisions of this article;

(3) Supervise payrolls and audit payrolls, reports or transactions for conformity with the provisions of this article;

(4) Plan, evaluate, administer and implement personnel programs and policies in state government and to political subdivisions after agreement by the parties;

(5) Supervise the employee selection process and employ performance evaluation procedures;

(6) Develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives, which, notwithstanding any provision of this code to the contrary, may include a one-time monetary incentive for recruitment and retention of employees in critically understaffed classifications. The director, in consultation with the board, shall determine which classifications are
The one-time monetary incentive program shall continue until the thirtieth day of June, two thousand nine. The director shall report annually on or before the thirty-first day of December, commencing in the year two thousand seven, to the Joint Committee on Government and Finance. The annual report shall provide all relevant information on the one-time monetary incentive program and the understaffed classifications in state agencies;

(7) Establish pilot programs and other projects for a maximum of one year outside of the provisions of this article, subject to approval by the board, to be included in the annual report;

(8) Establish and provide for a public employee interchange program and may provide for a voluntary employee interchange program between public and private sector employees;

(9) Establish an internship program;

(10) Assist the Governor and Secretary of the Department of Administration in general workforce planning and other personnel matters;

(11) Make an annual report to the Governor and Legislature and all other special or periodic reports as may be required;

(12) Assess cost for special or other services;

(13) Recommend rules to the board for implementation of this article; and
Conduct schools, seminars or classes for supervisory employees of the state regarding handling of complaints and disciplinary matters and the operation of the state personnel system.
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.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 12th day of March, 2008.

Governor
PRESENTED TO THE GOVERNOR

MAR 7 X 2008

Time 9:35