

**WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2720**

BY DELEGATE CRISS

(BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION)

[Passed April 10, 2021; in effect January 1, 2022.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2021 APR 26 P 3:05

FILED

HB2720

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1 AN ACT to repeal §17-2A-24 of the Code of West Virginia, 1931, as amended, and to amend said  
2 code by adding thereto a new section, designated §5F-2-8, all relating to establishing a  
3 merit-based personnel administration system for the agencies, authorities, boards, and  
4 commissions within the Department of Transportation; authorizing the Secretary of  
5 Transportation to establish a merit-based personnel system; providing requirements and  
6 effective date for the personnel system; preserving classified or classified-exempt status,  
7 rights and privileges thereof, and due process protections; requiring compliance with state  
8 law regarding nepotism, favoritism, discrimination, and ethics in the employment process;  
9 prohibiting actions with a negative effect on federal funding; requiring inter-agency  
10 cooperation by the Division of Personnel; authorizing rule-making; and removing  
11 duplicative special employment procedures for Division of Highways personnel.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

### **ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.**

#### **§5F-2-8. Special merit-based personnel system for Department of Transportation employees.**

1 (a) In order to attract and retain employees in the Department of Transportation, the  
2 Secretary of Transportation shall establish a system of personnel administration based on merit  
3 principles and scientific methods governing the appointment, promotion, transfer, layoff, removal,  
4 discipline, classification, compensation, and welfare of its employees, and other incidents of state  
5 employment. All appointments and promotions to positions shall be made solely on the basis of  
6 merit and fitness for the position.

7 (b) The Department of Transportation personnel system shall be founded on effective  
8 performance management principles that set clear goals, provide efficient and effective services  
9 for our citizens, and appraise and reward employees for being responsible and performing as  
10 required.

11 (c) Beginning on January 1, 2022, notwithstanding any provision of this code or any rule  
12 to the contrary, employees and positions within the various agencies, boards, commissions, and  
13 divisions within the Department of Transportation currently governed by the provisions of §29-6-  
14 1 *et seq.* of this code shall be subject to the personnel system created pursuant to this section:  
15 *Provided,* That such employees and positions shall be deemed to retain their classified or  
16 classified-exempt status and all rights and privileges thereof. The employees of the Department  
17 of Transportation shall be afforded due process protections through §6C-2-1 *et seq.* of this code  
18 or other procedures established by the department that assure all of the protections required by  
19 law.

20 (d) The Department of Transportation personnel system is not exempt from the provisions  
21 of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the  
22 employment process.

23 (e) The Department of Transportation personnel system may not be applied in any manner  
24 that would disqualify the department or its agencies, boards, commissions, or divisions for  
25 eligibility for any federal funding or assistance.

26 (f) The Division of Personnel shall, upon request of the Secretary of Transportation, take  
27 any action necessary to assist the Department of Transportation in completing the transition to  
28 the department's personnel system in an orderly and efficient manner.

29 (g) The Secretary of Transportation may propose rules for legislative approval in  
30 accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency  
31 rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of this  
32 section.

## **CHAPTER 17. ROADS AND HIGHWAYS.**

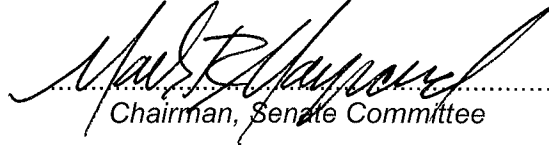
### **ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.**

#### **§17-2A-24. Special employment procedures for Division of Highways personnel.**

1 [Repealed.]


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


  
.....  
Chairman, House Committee

  
.....  
Chairman, Senate Committee

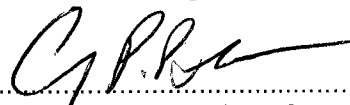
Originating in the House.

In effect January 1, 2022.

  
.....  
Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2021 APR 26 P 3:05

FILED

The within is approved this the 26th  
day of April, 2021.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 22 2021

Time 1:53 pm