

1 SB416 SUB1

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 416**

5 (By Senators McCabe, Snyder and Klempa)

6 \_\_\_\_\_  
7 [Originating in the Committee on Government Organization;  
8 reported February 22, 2011.]  
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11  
12 A BILL to amend and reenact §29-6-4 of the Code of West Virginia,  
13 1931, as amended, relating to expanding the number of hours  
14 temporary state personnel may work in a calendar year for  
15 three years; requiring performance review; reporting  
16 requirements; and providing a termination date for the  
17 expansion.

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

19 That §29-6-4 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 **ARTICLE 6. CIVIL SERVICE SYSTEM.**

22 **§29-6-4. Classified-exempt service; additions to classified**  
23 **service; exemptions.**

24 (a) The classified-exempt service includes all positions  
25 included in the classified-exempt service on the effective date of

1 this article.

2 (b) Except for the period commencing on July 1, 1992, and  
3 ending on the first Monday after the second Wednesday of the  
4 following January and except for the same periods commencing in the  
5 year 1996 and in each fourth year thereafter, the Governor may, by  
6 executive order, with the written consent of the state Personnel  
7 Board and the appointing authority concerned, add to the list of  
8 positions in the classified service but such additions ~~shall~~ may  
9 not include any positions specifically exempted from coverage as  
10 provided in this section.

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

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

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

15 (3) All officers elected by popular vote and employees of the  
16 officer;

17 (4) All secretaries of departments and employees within the  
18 office of a secretary;

19 (5) Members of boards and commissions and heads of departments  
20 appointed by the Governor or such heads of departments selected by  
21 commissions or boards when expressly exempt by law or board order;

22 (6) Excluding the policy-making positions in an agency, one  
23 principal assistant or deputy and one private secretary for each  
24 board or commission or head of a department elected or appointed by  
25 the Governor or Legislature;

26 (7) All policy-making positions;

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

2 (9) Persons employed in a professional or scientific capacity  
3 to make or conduct a temporary and special inquiry, investigation  
4 or examination on behalf of the Legislature or a committee thereof,  
5 an executive department or by authority of the Governor;

6 (10) All employees of the office of the Governor including all  
7 employees assigned to the executive mansion;

8 (11) Part-time professional personnel engaged in professional  
9 services without administrative duties and personnel employed for  
10 ninety days or less during a working year; Provided, That for a  
11 period commencing July 1, 2011 and ending July 1, 2014, part-time  
12 professional personnel engaged in professional services without  
13 administrative duties and personnel employed for one-thousand hours  
14 or less during a working year are exempted: Provided further, That:

15 (A) Before July 1, 2013, the Joint Committee on Government and  
16 Finance shall conduct a performance review on the one thousand hour  
17 exemption. The review shall include the following:

18 (i) An evaluation of the effectiveness of the one thousand  
19 hour exemption;

20 (ii) A recommendation as to whether the one thousand hour  
21 exemption should be continued, should be amended or should be  
22 terminated; and

23 (iii) Any other issues considered relevant.

24 (B) On or before January 1, 2014, the Joint Committee on  
25 Government and Finance shall report to the Joint Committee on  
26 Government Organization the findings of the performance review.

1        (C) The one thousand hour exemption terminates on July 1,  
2 2014.

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

5        (13) Uniformed personnel of the State Police; and

6        (14) Seasonal employees in the state forests, parks and  
7 recreational areas working less than one thousand seven hundred  
8 thirty-three hours per calendar year. ~~Provided, That~~  
9 Notwithstanding any provision of law to the contrary, seasonal  
10 employees shall not be considered full-time employees.

11        (d) The Legislature finds that the holding of political  
12 beliefs and party commitments consistent or compatible with those  
13 of the Governor contributes in an essential way to the effective  
14 performance of and is an appropriate requirement for occupying  
15 certain offices or positions in state government, such as the  
16 secretaries of departments and the employees within their offices,  
17 the heads of agencies appointed by the Governor and, for each such  
18 head of agency, a private secretary and one principal assistant or  
19 deputy, all employees of the office of the Governor including all  
20 employees assigned to the executive mansion, as well as any persons  
21 appointed by the Governor to fill policy-making positions, in that  
22 such offices or positions are confidential in character and require  
23 their holders to act as advisors to the Governor or the Governor's  
24 appointees, to formulate and implement the policies and goals of  
25 the Governor or the Governor's appointees or to help the Governor  
26 or the Governor's appointees communicate with and explain their

1 policies and views to the public, the Legislature and the press.

2 (e) All county road supervisor positions ~~shall be~~ are covered  
3 under the classified service effective July 1, 1999. ~~Provided,~~  
4 ~~That Any~~ A person employed as a county road supervisor on the  
5 effective date of this section ~~shall not be~~ is not required to take  
6 or pass a qualifying or competitive examination upon or as a  
7 condition of becoming a classified service employee. All county  
8 road supervisors who become classified service employees pursuant  
9 to this subsection who are severed, removed or terminated in his or  
10 her employment must be severed, removed or terminated as if the  
11 person was a classified service employee.