

1 **H. B. 3011**

2
3 (By Delegates White, Cann, T. Campbell and Kominar)

4 (By Request of the Department of Administration)

5 [Introduced February 4, 2011; referred to the
6 Committee on Government Organization then Finance.]

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10 A BILL to amend and reenact §29-6-4 of the Code of West Virginia,
11 1931, as amended, relating to expanding the number of hours
12 temporary state personnel may work in a calendar year.

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

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

16 **ARTICLE 6. CIVIL SERVICE SYSTEM.**

17 **§29-6-4. Classified-exempt service; additions to classified**
18 **service; exemptions.**

19 (a) The classified-exempt service includes all positions
20 included in the classified-exempt service on the effective date of
21 this article.

22 (b) Except for the period commencing on July 1, 1992, and
23 ending on the first Monday after the second Wednesday of the
24 following January and except for the same periods commencing in the

1 year 1996 and in each fourth year thereafter, the Governor may, by
2 executive order, with the written consent of the state Personnel
3 Board and the appointing authority concerned, add to the list of
4 positions in the classified service but such additions ~~shall~~ may
5 not include any positions specifically exempted from coverage as
6 provided in this section.

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

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

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

11 (3) All officers elected by popular vote and employees of the
12 officer;

13 (4) All secretaries of departments and employees within the
14 office of a secretary;

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

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

22 (7) All policy-making positions;

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

24 (9) Persons employed in a professional or scientific capacity

1 to make or conduct a temporary and special inquiry, investigation
2 or examination on behalf of the Legislature or a committee thereof,
3 an executive department or by authority of the Governor;

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

6 (11) Part-time professional personnel engaged in professional
7 services without administrative duties and personnel employed for
8 ~~ninety days~~ one thousand hours or less during a working year;

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

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

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

17 (d) The Legislature finds that the holding of political
18 beliefs and party commitments consistent or compatible with those
19 of the Governor contributes in an essential way to the effective
20 performance of and is an appropriate requirement for occupying
21 certain offices or positions in state government, such as the
22 secretaries of departments and the employees within their offices,
23 the heads of agencies appointed by the Governor and, for each such
24 head of agency, a private secretary and one principal assistant or

1 deputy, all employees of the office of the Governor including all
2 employees assigned to the executive mansion, as well as any persons
3 appointed by the Governor to fill policy-making positions, in that
4 such offices or positions are confidential in character and require
5 their holders to act as advisors to the Governor or the Governor's
6 appointees, to formulate and implement the policies and goals of
7 the Governor or the Governor's appointees or to help the Governor
8 or the Governor's appointees communicate with and explain their
9 policies and views to the public, the Legislature and the press.

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

NOTE: The purpose of this bill is to expand the number of hours a state employee can work in a temporary position each year from ninety days to one thousand hours.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.