

H. B. 3028

(BY DELEGATE(S) STAGGERS, D. POLING, PETHTEL,
PAXTON, AND SMITH, P.)

[Introduced March 21, 2013; referred to the
Committee on Government Organization then Finance.]

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

Be it enacted by the Legislature of West Virginia:

That §29-6-4 of the Code of West Virginia, 1931, 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 of
- 3 this article.

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

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

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

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

17 (3) All officers elected by popular vote and employees of the
18 officer;

19 (4) All secretaries of departments and employees within the
20 office of a secretary;

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

25 (6) Excluding the policy-making positions in an agency, one
26 principal assistant or deputy and one private secretary for each
27 board or commission or head of a department elected or ap-
28 pointed by the Governor or Legislature;

29 (7) All policy-making positions;

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

31 (9) Persons employed in a professional or scientific capacity
32 to make or conduct a temporary and special inquiry, investiga-
33 tion or examination on behalf of the Legislature or a committee
34 thereof, an executive department or by authority of the Gover-
35 nor;

36 (10) All employees of the office of the Governor, including
37 all employees assigned to the executive mansion;

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

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

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

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

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

65 or the Governor's appointees, or to help the Governor or the
66 Governor's appointees communicate with and explain their
67 policies and views to the public, the Legislature and the press.

68 (e) All county road supervisor positions ~~shall be~~ are covered
69 under the classified service effective July 1, 1999. ~~Provided,~~
70 ~~That any~~ A person employed as a county road supervisor on the
71 effective date of this section, ~~shall not be~~ is not required to take
72 or pass a qualifying or competitive examination upon or as a
73 condition of becoming a classified service employee. All county
74 road supervisors who become classified service employees
75 pursuant to this subsection who are severed, removed or termi-
76 nated in his or her employment must be severed, removed or
77 terminated as if the 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.

