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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

ENROLLED

HOUSE BILL No. 4068

| (By Delegate≤ | Donnell 4 Than | ol) |
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| | _ • _ | |
| Passed | march 3, | 1994 |
| In Effect | minety days from | Passage |

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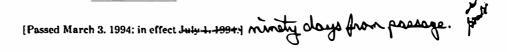
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OFFICE OF WEST VINCING!

ENROLLED

H. B. 4068

(By Delegates Bennett and Manuel)



AN ACT to amend and reenact section one, article thirteen, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the veterans' preference on written examinations used to fill nonpartisan merit system positions in state government; and revising the definition of veteran to specifically include certain periods of active and reserve service and disabled veterans.

Be it enacted by the Legislature of West Virginia:

That section one, article thirteen, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

- ARTICLE 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATION ON NONPARTISAN MERIT BASIS.
- §6-13-1. Preference rating of veterans on written examinations for positions in state departments filled under nonpartisan merit system.
 - 1 For positions in any department or agency in which
 - 2 positions are filled under civil service or any job
 - 3 classification system, a preference of five points in
 - 4 addition to the regular numerical score received on
 - 5 examination shall be awarded to all veterans having
 - 6 qualified for appointment by making a minimum 7 passing grade; and to all veterans awarded the purple
 - 8 heart, or having a compensable service-connected

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- 9 disability, as established by any proper veterans' bureau 10 or department of the federal government, an additional 11 five points shall be allowed.
- For the purpose of this article, a person is defined as a "veteran" if he or she fulfills the requirements of one of the following subsections:
- 15 (a) Served on active duty anytime between the seventh 16 day of December, one thousand nine hundred forty-one, 17 and the first day of July, one thousand nine hundred 18 fifty-five. However, any person who was a reservist 19 called to active duty between the first day of February, 20 one thousand nine hundred fifty-five, and the fourteenth 21 day of October, one thousand nine hundred seventy-six 22 must meet condition (b) stated below;
 - (b) Served on active duty anytime between the second day of July, one thousand nine hundred fifty-five, and the fourteenth day of October, one thousand nine hundred seventy-six, or a reservist called to active duty between the first day of February, one thousand nine hundred fifty-five, and the fourteenth day of October, one thousand nine hundred seventy-six, and who served for more than one hundred eighty days;
 - (c) Entered on active duty between the fifteenth day of October, one thousand nine hundred seventy-six, and the seventh day of September, one thousand nine hundred eighty, or a reservist who entered on active duty between the fifteenth day of October, one thousand nine hundred seventy-six, and the thirteenth day of October, one thousand nine hundred eighty-two, and received a campaign badge or expeditionary medal or is a disabled veteran; or
 - (d) Enlisted in the armed forces after the seventh day of September, one thousand nine hundred eighty, or entered active duty other than by enlistment on or after the fourteenth day of October, one thousand nine hundred eighty-two; and
- (1) Completed twenty-four months of continuous active duty or the full period called or ordered to active duty, or was discharged under 10 U.S.C. 1171, or for hardship

under 10 U.S.C. 1173, and received or was entitled to receive, a campaign badge or expeditionary medal; or

(2) Is a disabled veteran.

To receive veteran preference, separation from active duty must have been under honorable conditions. This includes honorable and general discharges. A clemency discharge does not meet the requirements of the Veteran Preference Act. Active duty for training in the military reserve and national guard programs is not considered active duty for purposes of veteran preference.

These awards shall be made for the benefit and preference in appointment of all veterans who have heretofore or who shall hereafter take examinations, but shall not operate to the detriment of any person heretofore appointed to a position in a department or agency.

| The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. | |
|---|---|
| Chairman Senate Committee | |
| Chairman House Committee | |
| Originating in the House. Takes effect July 1, 1994. Clerk of the Senate | |
| Class of the House of Delegates President of the Senate | |
| Speaker of the House of Delegates | |
| The within NO Approved this me 16 th day of Marchy 1994. | _ |

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