

HB 4677

FILED

2008 MAR 12 AM 4:48

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

House Bill No. 4677

(By Delegates White, Stalnaker, Kominar,
laquinta and Argento)



Passed March 4, 2008

In Effect from Passage

ENROLLED

FILED
2008 MAR 12 AM 4:48

H. B. 4677

WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES WHITE, STALNAKER, KOMINAR,
IAQUINTA AND ARGENTO)

[Passed March 4, 2008; in effect from passage.]

AN ACT to amend and reenact §6-7-2a and §29-6-7 of the Code of West Virginia, 1931, as amended, all relating to the Director of Personnel; clarifying appointment of director; and authorizing that the hiring requirement is education or experience.

Be it enacted by the Legislature of West Virginia:

That §6-7-2a and §29-6-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.

1 (a) Each of the following appointive state officers named
2 in this subsection shall be appointed by the Governor, by and
3 with the advice and consent of the Senate. Each of the
4 appointive state officers serves at the will and pleasure of the
5 Governor for the term for which the Governor was elected

6 and until the respective state officers' successors have been
7 appointed and qualified. Each of the appointive state officers
8 are subject to the existing qualifications for holding each
9 respective office and each has and is hereby granted all of the
10 powers and authority and shall perform all of the functions
11 and services heretofore vested in and performed by virtue of
12 existing law respecting each office.

13 Prior to the first day of July, two thousand six, each such
14 named appointive state officer shall continue to receive the
15 annual salaries they were receiving as of the effective date of
16 the enactment of this section in two thousand six, and
17 thereafter, notwithstanding any other provision of this code
18 to the contrary, the annual salary of each named appointive
19 state officer shall be as follows:

20 Commissioner, Division of Highways, ninety-two
21 thousand five hundred dollars; Commissioner, Division of
22 Corrections, eighty thousand dollars; Director, Division of
23 Natural Resources, seventy-five thousand dollars;
24 Superintendent, State Police, eighty-five thousand dollars;;
25 Commissioner, Division of Banking, seventy-five thousand
26 dollars;; Commissioner, Division of Culture and History,
27 sixty-five thousand dollars; Commissioner, Alcohol Beverage
28 Control Commission, seventy-five thousand dollars;
29 Commissioner, Division of Motor Vehicles, seventy-five
30 thousand dollars; Chairman, Health Care Authority, eighty
31 thousand dollars; members, Health Care Authority, seventy
32 thousand dollars; Director, Human Rights Commission, fifty-
33 five thousand dollars; Commissioner, Division of Labor,
34 seventy thousand dollars; Director, Division of Veterans'
35 Affairs, sixty-five thousand dollars; Chairperson, Board of
36 Parole, fifty-five thousand dollars; members, Board of Parole,
37 fifty thousand dollars; members, Employment Security
38 Review Board, seventeen thousand dollars; and
39 Commissioner, Bureau of Employment Programs, seventy-

40 five thousand dollars. Secretaries of the departments shall be
41 paid an annual salary as follows: Health and Human
42 Resources, ninety-five thousand dollars; Transportation,
43 ninety-five thousand dollars; Revenue, ninety-five thousand
44 dollars; Military Affairs and Public Safety, ninety-five
45 thousand dollars; Administration, ninety-five thousand
46 dollars; Education and the Arts, ninety-five thousand dollars;
47 Commerce, ninety-five thousand dollars; and Environmental
48 Protection, ninety-five thousand dollars: *Provided*, That any
49 increase in the salary of any current appointive state officer
50 named in this subsection pursuant to the reenactment of this
51 subsection during the regular session of the Legislature in
52 two thousand six that exceeds five thousand dollars shall be
53 paid to such officer or his or her successor beginning on the
54 first day of July, two thousand six, in annual increments of
55 five thousand dollars per fiscal year, up to the maximum
56 salary provided in this subsection.

57 (b) Each of the state officers named in this subsection
58 shall continue to be appointed in the manner prescribed in
59 this code and, prior to the first day of July, two thousand six,
60 each of the state officers named in this subsection shall
61 continue to receive the annual salaries he or she was
62 receiving as of the effective date of the enactment of this
63 section in two thousand six, and shall thereafter,
64 notwithstanding any other provision of this code to the
65 contrary, be paid an annual salary as follows:

66 Director, Board of Risk and Insurance Management,
67 eighty thousand dollars; Director, Division of Rehabilitation
68 Services, seventy thousand dollars; Director, Division of
69 Personnel, seventy thousand dollars; Executive Director,
70 Educational Broadcasting Authority, seventy-five thousand
71 dollars; Secretary, Library Commission, seventy-two
72 thousand dollars; Director, Geological and Economic Survey,
73 seventy-five thousand dollars; Executive Director,

74 Prosecuting Attorneys Institute, seventy thousand dollars;
75 Executive Director, Public Defender Services, seventy
76 thousand dollars; Commissioner, Bureau of Senior Services,
77 seventy-five thousand dollars; Director, State Rail Authority,
78 sixty-five thousand dollars; Executive Director, Women's
79 Commission, forty-five thousand dollars; Director, Hospital
80 Finance Authority, thirty-five thousand dollars; member,
81 Racing Commission, twelve thousand dollars; Chairman,
82 Public Service Commission, eighty-five thousand dollars;
83 members, Public Service Commission, eighty-five thousand
84 dollars; Director, Division of Forestry, seventy-five thousand
85 dollars; Director, Division of Juvenile Services, eighty
86 thousand dollars; and Executive Director, Regional Jail and
87 Correctional Facility Authority, eighty thousand dollars:
88 *Provided*, That any increase in the salary of any current
89 appointive state officer named in this subsection pursuant to
90 the reenactment of this subsection during the regular session
91 of the Legislature in two thousand six that exceeds five
92 thousand dollars shall be paid to such officer or his or her
93 successor beginning on the first day of July, two thousand
94 six, in annual increments of five thousand dollars per fiscal
95 year, up to the maximum salary provided in this subsection.

96 (c) Each of the following appointive state officers named
97 in this subsection shall be appointed by the Governor, by and
98 with the advice and consent of the Senate. Each of the
99 appointive state officers serves at the will and pleasure of the
100 Governor for the term for which the Governor was elected
101 and until the respective state officers' successors have been
102 appointed and qualified. Each of the appointive state officers
103 are subject to the existing qualifications for holding each
104 respective office and each has and is hereby granted all of the
105 powers and authority and shall perform all of the functions
106 and services heretofore vested in and performed by virtue of
107 existing law respecting each office.

108 Prior to the first day of July, two thousand six, each such
109 named appointive state officer shall continue to receive the
110 annual salaries they were receiving as of the effective date of
111 the enactment of this section in two thousand six, and
112 thereafter, notwithstanding any other provision of this code
113 to the contrary, the annual salary of each named appointive
114 state officer shall be as follows:

115 Commissioner, State Tax Division, ninety-two thousand
116 five hundred dollars; Commissioner, Insurance Commission,
117 ninety-two thousand five hundred dollars; Director, Lottery
118 Commission, ninety-two thousand five hundred dollars;
119 Director, Division of Homeland Security and Emergency
120 Management, sixty-five thousand dollars; and Adjutant
121 General, ninety-two thousand five hundred dollars;

122 (d) No increase in the salary of any appointive state
123 officer pursuant to this section shall be paid until and unless
124 the appointive state officer has first filed with the State
125 Auditor and the Legislative Auditor a sworn statement, on a
126 form to be prescribed by the Attorney General, certifying that
127 his or her spending unit is in compliance with any general
128 law providing for a salary increase for his or her employees.
129 The Attorney General shall prepare and distribute the form to
130 the affected spending units.

CHAPTER 29. MISCELLANEOUS BOARDS AND COMMISSIONS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-7. Director of personnel; appointment; qualifications; powers and duties.

1 (a) The Secretary of the Department of Administration
2 shall appoint the director. The director shall be a person

3 knowledgeable of the application of the merit principles in
4 public employment as evidenced by the obtainment of a
5 degree in business administration, personnel administration,
6 public administration or the equivalent or at least five years
7 of administrative experience in personnel administration.
8 The salary for the director shall be that which is set out in
9 section two-a, article seven, chapter six of this code.

10 (b) The director shall:

11 (1) Consistent with the provisions of this article,
12 administer the operations of the division, allocating the
13 functions and activities of the division among sections as the
14 director may establish;

15 (2) Maintain a personnel management information system
16 necessary to carry out the provisions of this article;

17 (3) Supervise payrolls and audit payrolls, reports or
18 transactions for conformity with the provisions of this article;

19 (4) Plan, evaluate, administer and implement personnel
20 programs and policies in state government and to political
21 subdivisions after agreement by the parties;

22 (5) Supervise the employee selection process and employ
23 performance evaluation procedures;

24 (6) Develop programs to improve efficiency and
25 effectiveness of the public service, including, but not limited
26 to, employee training, development, assistance and
27 incentives, which, notwithstanding any provision of this code
28 to the contrary, may include a one-time monetary incentive
29 for recruitment and retention of employees in critically
30 understaffed classifications. The director, in consultation
31 with the board, shall determine which classifications are

32 critically understaffed. The one-time monetary incentive
33 program shall continue until the thirtieth day of June, two
34 thousand nine. The director shall report annually on or
35 before the thirty-first day of December, commencing in the
36 year two thousand seven, to the Joint Committee on
37 Government and Finance. The annual report shall provide all
38 relevant information on the one-time monetary incentive
39 program and the understaffed classifications in state
40 agencies;

41 (7) Establish pilot programs and other projects for a
42 maximum of one year outside of the provisions of this article,
43 subject to approval by the board, to be included in the annual
44 report;

45 (8) Establish and provide for a public employee
46 interchange program and may provide for a voluntary
47 employee interchange program between public and private
48 sector employees;

49 (9) Establish an internship program;

50 (10) Assist the Governor and Secretary of the Department
51 of Administration in general workforce planning and other
52 personnel matters;

53 (11) Make an annual report to the Governor and
54 Legislature and all other special or periodic reports as may be
55 required;

56 (12) Assess cost for special or other services;

57 (13) Recommend rules to the board for implementation
58 of this article; and

59 (14) Conduct schools, seminars or classes for supervisory
60 employees of the state regarding handling of complaints and
61 disciplinary matters and the operation of the state personnel
62 system.

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

Kenny White
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect from passage.

Russell E. White
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *is approved* this the *12th*
day of *March*, 2008.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 7 X 2008

Time 9:35 AM