

**ENROLLED**

**H. B. 3028**

(By Delegates Staggers, D. Poling, Pethtel,  
Paxton, and P. Smith)

(By Request of the Department of Transportation)

[Passed April 9, 2013; in effect from passage.]

AN ACT 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.**

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

(b) Except for the period commencing on July 1, 1992, and  
ending on the first Monday after the second Wednesday of the  
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 the additions may not  
5 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 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  
5 all 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 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 1,733 hours per calendar year.  
14 Notwithstanding any provision of law to the contrary, seasonal  
15 employees are not considered full-time employees.

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

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

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