

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4561

BY DELEGATES KURCABA, STATLER, UPSON,
HOUSEHOLDER, MCGEEHAN, AZINGER, OVERINGTON,
ELLINGTON, FAST, FOSTER AND GEARHEART

[Introduced February 16, 2016; Referred
to the Committee on Roads and Transportation then
Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-6-4a, relating to creating a special hiring process for West Virginia Division
 3 of Highways employees; requiring the Commissioner of the West Virginia Division of
 4 Highways and the Director of the West Virginia Division of Personnel to collaborate to
 5 develop a special hiring process for Division of Highways employees; establishing
 6 requirements for the special hiring process; exempting the West Virginia Division of
 7 Highways from regular appointment procedures upon implementation of the special hiring
 8 process; and establishing reporting requirements.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §29-6-4a, to read as follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-4a. Special Appointment Procedures for Division of Highways Personnel.

1 (a) Legislative Intent. --

2 (1) The purpose of this section is to allow the Division of Highways to appoint qualified
 3 applicants to open positions in the division in a timely manner, in order to ensure that the Division
 4 of Highways maintains an adequate workforce to maintain safe roadways for the citizens of West
 5 Virginia.

6 (b) Definitions.--

7 (1) "Commissioner" refers to the Commissioner of the West Virginia Division of Highways
 8 or his or her designee.

9 (2) "Director" refers to the Director of the West Virginia Division of Personnel or his or her
 10 designee.

11 (c) Development of Special Hiring Process; Requirements.--

12 (1) The commissioner and the director must collaborate to develop a special application
 13 and appointment process for individuals applying for employment with the Division of Highways.

14 (2) The special application and appointment process required by this section will go into
15 effect on July 1, 2016, and must meet the following requirements:

16 (A) The process may not require the division to post a position for more than one week
17 before selecting an applicant for a position; and

18 (B) The process will allow a new employee of the Division of Highways to begin working
19 for the division no later than four weeks after the division's official decision to offer a position to
20 the new employee.

21 (d) Exemption from Regular Application and Appointment Requirements.--

22 (1) Effective July 1, 2016, the Division of Highways and the Division of Personnel are
23 required to follow the special process developed pursuant to subsection (c) when seeking
24 applications and making appointments to positions within the Division of Highways.

25 (2) Notwithstanding any other provision of this code, when seeking applications and
26 making appointments pursuant to the special process required by subsection (c), the division is
27 not required to follow Division of Personnel procedures for seeking applications and making
28 appointments to classified service positions, including those procedures promulgated by
29 legislative rules: *Provided*, That nothing in this section exempts the division or its staff from the
30 requirements of sections twenty and twenty-one of this article, including the prohibition against
31 favoritism, discrimination or otherwise unethical practices related to appointment.

32 (e) On or before October 1, 2016, the commissioner shall report to the Joint Committee
33 on Infrastructure regarding the Division of Highway's compliance with the requirements of this
34 section.

NOTE: The purpose of this bill is to require the Commissioner of the West Virginia Division of Highways and the Director of the West Virginia Division of Personnel to collaborate to develop a special hiring process for Division of Highways positions; to exempt the West Virginia Division of Highways from regular State Personnel Board Procedures upon implementation of the special hiring process; to establish requirements for the special hiring process; and to establish reporting requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law,

and underscoring indicates new language that would be added.