

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4766

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SPONAUGLE, DOYLE AND PYLES

[Introduced February 10, 2020; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating
 2 to the Civil Service System and changing the hourly threshold for exemption of part-time
 3 employees from classified service.

Be it enacted by the Legislature of West Virginia:

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 included in the classified-exempt
 2 service on the effective date of this article.

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

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

- 11 (1) All judges, officers and employees of the judiciary;
- 12 (2) All members, officers and employees of the Legislature;
- 13 (3) All officers elected by popular vote and employees of the officer;
- 14 (4) All secretaries of departments and employees within the office of a secretary;
- 15 (5) Members of boards and commissions and heads of departments appointed by the
 16 Governor or heads of departments selected by commissions or boards when expressly exempt
 17 by law or board order;
- 18 (6) Excluding the policy-making positions in an agency, one principal assistant or deputy
 19 and one private secretary for each board or commission or head of a department elected or
 20 appointed by the Governor or Legislature;

21 (7) All policy-making positions;

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

23 (9) Persons employed in a professional or scientific capacity to make or conduct a
24 temporary and special inquiry, investigation or examination on behalf of the Legislature or a
25 committee thereof, an executive department or by authority of the Governor;

26 (10) All employees of the Office of the Governor, including all employees assigned to the
27 executive mansion;

28 (11) Part-time professional personnel engaged in professional services without
29 administrative duties and personnel employed for ~~one thousand~~ 1,500 hours or less during a
30 working year;

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

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

34 (14) Seasonal employees in the state forests, parks, and recreational areas working less
35 than 1,733 hours per calendar year. Notwithstanding any provision of law to the contrary,
36 seasonal employees are not considered full-time employees.

37 (d) The Legislature finds that the holding of political beliefs and party commitments
38 consistent or compatible with those of the Governor contributes in an essential way to the effective
39 performance of and is an appropriate requirement for occupying certain offices or positions in
40 state government, such as the secretaries of departments and the employees within their offices,
41 the heads of agencies appointed by the Governor and, for each such head of agency, a private
42 secretary and one principal assistant or deputy, all employees of the Office of the Governor
43 including all employees assigned to the executive mansion, as well as any persons appointed by
44 the Governor to fill policy-making positions, in that those offices or positions are confidential in
45 character and require their holders to act as advisors to the Governor or the Governor's
46 appointees, to formulate and implement the policies and goals of the Governor or the Governor's

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

49 (e) All county road supervisor positions are covered under the classified service effective
50 July 1, 1999. A person employed as a county road supervisor on the effective date of this section,
51 is not required to take or pass a qualifying or competitive examination upon or as a condition of
52 becoming a classified service employee. All county road supervisors who become classified
53 service employees pursuant to this subsection who are severed, removed or terminated in his or
54 her employment must be severed, removed or terminated as if the person was a classified service
55 employee.

NOTE: The purpose of this bill is to change the hourly threshold, from 1,000 to 1,500, in the provision that exempts part-time employees from the classified service in the Civil Service System.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.