

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 4059

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PACK, WARD, WORRELL, ROWAN, FORSHT, MALLOW, AND
JENNINGS

[Originating in the Committee on Health and Human Resources; reported
on January 13, 2022]

1 A BILL to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating
2 to clarifying that all new Department of Health and Human Resources' Deputy
3 Commissioners are policy making positions exempt from civil 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, which includes newly hired Deputy Commissioners within
22 the Department of Health and Human Resources;

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

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

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

29 (11) Part-time professional personnel engaged in professional services without
30 administrative duties;

31 (12) Temporary employees;

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

34 (14) Uniformed personnel of the State Police; and

35 (15) Temporary employees in the state forests, parks, and recreational areas.

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

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

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

NOTE: The purpose of this bill is to clarify that employees that directly report to a commissioner within the Department of Health and Human Resources are not eligible for classified exempt service.

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