WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2585

By Delegate Sheedy

[Introduced February 18, 2025; referred to the

Committee on Finance]

1 A BILL to amend and reenact §5F-2-8 of the Code of West Virginia, 1931, as amended, relating to

2   compensation and classification of certain employees of the Division of Highways.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-8. Special merit-based personnel system for Department of Transportation employees.

1   (a) In order to attract and retain employees in the Department of Transportation, the

2 Secretary of Transportation shall establish a system of personnel administration based on merit

3 principles and scientific methods governing the appointment, promotion, transfer, layoff, removal,

4 discipline, classification, compensation, and welfare of its employees, and other incidents of state

5 employment. All appointments and promotions to positions shall be made solely on the basis of

6 merit and fitness for the position.

7   (b) The Department of Transportation personnel system shall be founded on effective

8 performance management principles that set clear goals, provide efficient and effective services

9 for our citizens, and appraise and reward employees for being responsible and performing as

10 required.

11   (c) Beginning on January 1, 2022, notwithstanding any provision of this code or any rule to

12 the contrary, employees and positions within the various agencies, boards, commissions, and

13 divisions within the Department of Transportation currently governed by the provisions of §29-6-1

14 *et seq*. of this code shall be subject to the personnel system created pursuant to this section:

15 *Provided*, That such employees and positions shall be deemed to retain their classified or

16 classified-exempt status and all rights and privileges thereof. The employees of the Department of

17 Transportation shall be afforded due process protections through §6C-2-1 *et seq*. of this code or

18 other procedures established by the department that assure all of the protections required by law.

19   (d) The Department of Transportation personnel system is not exempt from the provisions

20 of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the

21   employment process.

22   (e) The Department of Transportation personnel system may not be applied in any manner

23   that would disqualify the department or its agencies, boards, commissions, or divisions for

24   eligibility for any federal funding or assistance.

25   (f) The Division of Personnel shall, upon request of the Secretary of Transportation, take

26   any action necessary to assist the Department of Transportation in completing the transition to the

27   department's personnel system in an orderly and efficient manner.

28   (g) The Secretary of Transportation may propose rules for legislative approval in

29   accordance with the provisions of §29A-3-1 *et seq*. of this code and may promulgate emergency

30   rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of this

31   section.

32   (h) Notwithstanding any provision of this code to the contrary, the Department of

33   Transportation personnel system shall require that any probationary employee of the Department

34   of Transportation who is terminated for failing a drug or alcohol screen or refusing a drug or alcohol

35   screen shall not be entitled to severance pay.

36   (i)(1) Notwithstanding any provision of this code to the contrary, the Department of

37   Transportation personnel system shall adopt and apply the following classifications and rates of

38   pay applicable to the employment positions listed below and which shall supersede the current

39   classifications and rates of pay applicable to the employment positions listed below:

1   (A) Highway laborer which would cover flagging duties and all manual labor activities, to

2   include patch rollers under five tons, and mowing tractors shall be paid the base rate of pay paid

3   for the same job classification in private industry. A highway laborer is not required to hold a

4   commercial driver's license but if they do and operate a vehicle requiring a commercial driver's

5   license shall be paid the "Teamster" base rate of pay;

6   (B) Teamster which would cover all single axle and tandem trucks and all other equipment

7   requiring a commercial driver's license shall be paid the Teamster base rate of pay.

8   (C) Equipment Operator which would cover all equipment to include; end loaders, rollers,

9   and compactors greater than five tons, road graders, backhoes, excavators, machine brush

10   cutters, ditching equipment, and cranes plus any other specialized equipment. Laborers,

11   Teamsters, and Equipment Operators shall be paid the base rate of pay paid for the same job

12   classification in private industry and shall be classified into three distinct wage categories that are

13   to be determined by certifications held and training acquired. Division of Highway storekeepers

14   and office assistants shall be reclassified as such. Storekeepers are to be classed as Division of

15   Highways storekeeper and county office assistants shall be classified as Division of Highways

16   office manager. This will provide much more appropriate job classification for Department of

17   Highways specific jobs to allow for more properly aligned wages and compensation.

18   (2) As used in this section, "Teamster base rate of pay" means the same base rate of pay

19   that members of the International Brotherhood of Teamsters are entitled to for the same or

20   substantially similar job positions.

21   (j) Notwithstanding any provision of this code to the contrary, Division of Highway

22   employees shall be granted a $200 per month increase of wages annually for each year of

23   completed service.

NOTE: The purpose of this bill is to modify the compensation and classification of certain employees of the Division of Highways.

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