

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 798

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

[Introduced March 18, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §5F-2-9, relating to exempting new hires and promoting employees within the
 3 Bureau of Senior Services, Department of Administration, Department of Environmental
 4 Protection, Department of Revenue, and Department of Veterans Affairs from the
 5 classified civil service system and the state grievance procedures beginning on July 1,
 6 2025.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-9. Transfer of New Hires and Promoted Employees Within Departments to Classified Exempt System.

1 (a) The Legislature hereby finds that to attract and retain employees in the Bureau of
 2 Senior Services, Department of Administration, Department of Environmental Protection,
 3 Department of Revenue, and Department of Veterans Affairs, the secretaries of these
 4 departments and heads of the agencies, boards, and commissions therein require additional
 5 flexibility in the promotion, transfer, layoff, removal, discipline, and compensation of state
 6 employees within these departments.

7 (b) Notwithstanding any provision of this code or any rule to the contrary, beginning on July
 8 1, 2025, all employees of the Bureau of Senior Services, Department of Administration,
 9 Department of Environmental Protection, Department of Revenue, and Department of Veterans
 10 Affairs shall be exempt from the state grievance procedures as set forth in §6C-2-1 et seq. of this
 11 code and from the classified civil service system under §29-6-1 et seq. of this code except that:

12 (1) All employees of the Bureau of Senior Services, Department of Administration,
 13 Department of Environmental Protection, Department of Revenue, and Department of Veterans
 14 Affairs who are currently members of the classified civil service system shall retain their status as
 15 long as they remain in their current position; and

16 (2) All employees of these departments who currently have recourse to the state grievance

17 procedures will continue to have access to the state grievance procedures as long as they remain
18 in their current position;

19 (3) Any employee of these departments that leaves his or her position and remains an
20 employee within any of these departments shall, at that time, be transferred to the classified
21 exempt service system as defined in §29-6-2(g) of this code and be exempted from the state
22 grievance procedures as set forth in §6C-2-1 et seq. of this code; and

23 (4) The secretary of each of these departments shall have the authority to designate
24 certain employees' status under the classified civil service system and grievance procedures as
25 may be deemed necessary to comply with federal law, federal regulation, or the requirements for
26 receipt of federal funding or assistance.

27 (c) Subsection (b) of this section shall not apply to any position appointed by the Governor.

28 (d) Nothing in this section shall exempt these departments from the provisions of this code
29 prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion,
30 transfer, layoff, removal, discipline, and compensation of state employees.

NOTE: The purpose of this bill is to exempt new hires and promoted employees within the Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans Affairs from the classified civil service system and the state grievance process starting on July 1, 2025.

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