

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5441

BY DELEGATE HANSHAW (MR. SPEAKER)

(BY REQUEST OF THE EXECUTIVE)

[Passed March 14, 2026; in effect July 1, 2026]

1 AN ACT to amend and reenact §5F-2-8, §11B-1-8, §29-6-1, §29-6-2, §29-6-4, §29-6-5, §29-6-6,
2 §29-6-7, §29-6-10, §29-6-16, §29-6-24, and §49-10-101 of the Code of West Virginia,
3 1931, as amended; and to repeal §29-6-8, §29-6-9, §29-6-10a, §29-6-14, §29-6-25, §29-
4 6-27, §49-10-102, and §49-10-103 of said code, relating to streamlining and reforming the
5 Division of Personnel systems; eliminating special merit-based personnel system for
6 Department of Transportation employees; transferring duplicative Department of
7 Transportation personnel duties to the Division of Personnel; exempting new hires and
8 promoted employees within the Department of Transportation from the classified civil
9 service system and the state grievance procedures beginning on July 1, 2026; eliminating
10 special merit-based personnel system for the State Tax Division and Bureau for Social
11 Services; transferring duplicative State Tax Division and Bureau for Social Services
12 personnel duties to the Division of Personnel; clarifying definitions related to the state's
13 personnel systems; defining classified and classified-exempt service; removing provisions
14 allowing additions to the classified service; identifying and defining exemptions from the
15 classified service; streamlining the functions of the Division of Personnel; terminating the
16 State Personnel Board; transferring authority from the State Personnel Board to the
17 Division of Personnel; clarifying and identifying the duties of the Division of Personnel;
18 clarifying the rulemaking authority for the Division of Personnel; clarifying that the records
19 of the division are subject to the Freedom of Information Act and its exemptions for
20 personal identifying and personal health information; shortening the time frames for
21 classified job openings and appointments; shifting the leave donation program to a
22 program provided for through rulemaking; modernizing processes for posting job openings
23 in classified service; removing archaic provisions; and technical cleanup throughout.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF
STATE GOVERNMENT.**

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

**§5F-2-8. Transfer of Department of Transportation Personnel System to the Division of
Personnel; Transfer of new hires and promoted employees within the Department
of Transportation to the Classified-Exempt System.**

1 (a) *Legislative findings and intent.* –

2 (1) The several exemptions from centralized administration of the state’s personnel have
3 created multiple, redundant, inefficient, and overly complex personnel and human resources
4 systems in several parts of state government; and

5 (2) Shifting to a centralized oversight system that includes necessary flexibility for all state
6 agencies—instead of a few favored agencies—would facilitate the streamlining of state
7 government and the proper management of the state executive personnel systems.

8 (b) Beginning on July 1, 2026, the Department of Transportation’s authority to establish
9 personnel system under this section is abolished and all personnel within the special merit system
10 created under this section shall be subject to the provisions of §29-6-1 *et seq.* of this code except
11 that:

12 (1) Any and all job classifications, specifications, and compensation structures established
13 by the Department of Transportation, prior to July 1, 2026, under the authority granted by this
14 section, shall transfer to the oversight and administration of the Division of Personnel;

15 (2) Following the transfer, the Division of Personnel shall not modify the job classifications,
16 specifications, and compensation structures created pursuant to this section prior to July 1, 2026,
17 except with the consent of the Secretary of the Department of Transportation or as provided in
18 subsection (c) of this section.(c) Notwithstanding any provision of this code or any rule to the
19 contrary, beginning on July 1, 2026, all employees of the Department of Transportation shall be

20 exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from
21 the classified civil service system except that:

22 (1) All employees of the Department of Transportation who are members of a classified
23 civil service system as of June 30, 2026, shall retain their status as long as they remain in their
24 current position;

25 (2) All employees of the Department of Transportation who as of June 30, 2026, have
26 recourse to the state grievance procedures will continue to have access to the state grievance
27 procedures as long as they remain in their current position;

28 (3) Any employee of the Department of Transportation that leaves his or her position and
29 remains an employee within any department governed by §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-9,
30 §5F-2-10, or §29-1-1a of this code shall, at that time, be transferred to the classified exempt
31 service system as defined in §29-6-2(g) of this code and be exempted from the state grievance
32 procedures as set forth in §6C-2-1 *et seq.* of this code; and

33 (4) The secretary of the Department of Transportation shall have the authority to designate
34 certain employees' status under the classified civil service system and grievance procedures as
35 may be deemed necessary to comply with federal law, federal regulation, or the requirements for
36 receipt of federal funding or assistance.

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

38 (e) Nothing in this section exempts the Department of Transportation from the provisions
39 of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the
40 promotion, transfer, layoff, removal, discipline, and compensation of state employees.

41 (f) Notwithstanding any provision of this code to the contrary, the Department of
42 Transportation may not provide any probationary employee of the Department of Transportation
43 who is terminated for failing a drug or alcohol screen or refusing a drug or alcohol screen
44 severance pay.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 1. DEPARTMENT OF REVENUE.

§11B-1-8. Eliminating Division of Personnel Exemption for Tax Division personnel.

1 (a) *Legislative findings and intent.* —

2 (1) The several exemptions from centralized administration of the state's personnel have
3 created multiple, redundant, inefficient, and overly complex personnel and human resources
4 systems in several parts of state government; and

5 (2) Shifting to a centralized oversight system that includes necessary flexibility for all state
6 departments—instead of a few favored agencies—would facilitate the streamlining of state
7 government and the proper management of the state executive personnel systems.

8 (b) *Definitions.* — As used in this section:

9 (1) "Commissioner" means the Commissioner of the Tax Division of the Department of
10 Revenue or his or her designee; and

11 (2) "Division" means the Tax Division of the Department of Revenue.

12 (c) Beginning on July 1, 2026, the division's authority to establish a classified system for
13 personnel administration under this section is abolished and all personnel within the special merit
14 system created under this section are subject to the provisions of §29-6-1 *et seq.* of this code
15 except that:

16 (1) Any and all job classifications, specifications, and compensation structures established
17 by the division, prior to July 1, 2026, by the authority granted under this section, shall transfer to
18 the oversight and administration of the Division of Personnel; and

19 (2) Following the transfer, the Division of Personnel shall not modify the job classifications,
20 specifications, and compensation structures created pursuant to this section prior to July 1, 2026,
21 except with the consent of the Secretary of the Department of Revenue or as provided in §5F-2-
22 9 of this code.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. DIVISION OF PERSONNEL SYSTEMS.

§29-6-1. General purpose.

1 (a) The general purpose of this article is to attract to the service of this state personnel of
2 the highest ability and integrity by the establishment of a system of personnel administration
3 based on merit principles governing the appointment, promotion, transfer, layoff, removal,
4 discipline, classification, compensation, and welfare of its personnel systems employees, and
5 other incidents of state employment. All appointments and promotions to positions in the
6 personnel systems shall be made solely on the basis of merit and fitness.

7 (b) The personnel system shall be founded on effective performance management
8 principles that set clear goals, provide efficient and effective services for our citizens, and appraise
9 and reward employees for being responsible and performing as required. To that end, the core
10 functions of the Division of Personnel is to attract and retain highly qualified and skilled employees
11 and to serve as a beneficial resource, working collaboratively with all agencies using its services.

§29-6-2. Definition of terms.

1 As used in this article, unless the context indicates otherwise, the term:

2 "Administrator" means any person who fills a statutorily created position within or related
3 to an agency or board (other than a board member) and who is designated by statute as the head
4 of the agency or board;

5 "Agency" means any authority, board, bureau, commission, division, or other entity of state
6 government, however designated, transferred to or incorporated in one of the departments
7 created in §5F-1-2 of this code, as well as any affiliated county or municipal agency: *Provided,*
8 That individual districts, offices, regions, sections and units within the same agency, however
9 designated, shall not be considered a separate agency;

10 "Appointing authority" means the executive head of a department or agency who is
11 authorized by statute to appoint employees in the classified or classified-exempt service;

12 "Class" or "class of positions" means one or more positions sufficiently similar in duties,
13 training, experience, and responsibilities, as determined by specifications, that the same
14 qualifications, the same title, and the same schedule of compensation and benefits may be
15 equitably applied to each position in the class;

16 "Class specification" means the official description of a class of positions for the purpose
17 of describing the nature of the work, providing examples of work performed, and identifying the
18 knowledge, skills, and abilities required for the work while stating the generally accepted minimum
19 qualifications required for employment;

20 "Classification plan" means the plan by which positions in the classified service have been
21 allocated by class;

22 "Classified-exempt service" means those positions that:

23 (1) May be categorized in the Division of Personnel's system by job title, knowledge, skill,
24 abilities, experience, or description;

25 (2) May be filled by a department or agency of the state even if the applicant does not
26 meet the knowledge, skill, abilities, experience, or description established by the Division of
27 Personnel;

28 (3) Are at the will and pleasure of the hiring department or agency;

29 (4) Are not subject to Division of Personnel pay schedules; and

30 (5) May not be covered under the Division of Personnel classified system or employed by
31 the Higher Education Policy Commission, Council for Community and Technical College
32 Education, or higher education governing boards, as defined in §18B-1-2 of this code;

33 "Classified service" means those positions which satisfy the definitions for "class" and
34 "classify" and which are covered under the Division of Personnel classified system;

35 "Classify" means the process of ascertaining, analyzing, and evaluating the duties and
36 responsibilities of positions to determine the number and kind of classes existing in the service
37 and to group the positions in classes;

38 "Department" or "departments" means the departments of the executive branch of state
39 government provided in §5F-1-2 of this code;

40 "Director" means the head of the Division of Personnel as appointed by section seven of
41 this article;

42 "Division" means the Division of Personnel;

43 "Exempt service" means all positions specifically exempted by statute from administrative
44 oversight of the Division of Personnel;

45 "Policy-making position" means a position in which the person occupying it: (1) Acts as an
46 advisor to or formulates plans for the implementation of broad goals for an administrator or the
47 Governor; (2) is in charge of a major administrative component of the agency; or (3) reports
48 directly and is directly accountable to the administrator or the Governor;

49 "Position" means an authorized and identified group of duties and responsibilities
50 assigned by the hiring authority requiring the full-time or part-time employment of at least one
51 person;

52 "Promotion" means a change in the status of an employee from a position to another
53 position of higher rank as measured by salary range and increased level of duties or
54 responsibilities;

55 "Secretary" means the Secretary of the Department of Administration created in §5F-1-2
56 of this code;

57 "Veteran" means any person who meets the requirements of §6-13-1 of this code.

§29-6-4. Classified-exempt and exempt service; exemptions.

1 (a) The following offices and positions are exempt from the Division of Personnel:

2 (1) All judges, officers, and employees of the judiciary;

3 (2) All members, officers, and employees of the Legislature;

4 (3) All officers elected by popular vote, those persons appointed to the positions, and all
5 employees of those officers including all employees of the constitutional officers listed in section
6 one, article VII of the constitution of this state;

7 (4) All secretaries of departments and employees within the office of a secretary pursuant
8 to §5F-2-2(a)(1) of this code;

9 (5) Members of boards and commissions and heads of departments appointed by the
10 Governor or heads of departments selected by commissions or boards when expressly exempt
11 by law or board order;

12 (6) Patients or inmates employed in state institutions;

13 (7) Persons employed in a professional or scientific capacity to make or conduct a
14 temporary and special inquiry, investigation or examination on behalf of the Legislature or a
15 committee of the Legislature, an executive department, affiliated county or municipal agency, or
16 by authority of the Governor;

17 (8) All employees of the office of the Governor, including all employees assigned to the
18 executive mansion;

19 (9) Temporary employees;

20 (10) Members and employees of the board of trustees and board of directors or their
21 successor agencies; and

22 (11) Uniformed personnel of the State Police.

23 (b) The following offices and positions, in addition to those specifically made classified-
24 exempt by statute, are in the classified-exempt service:

25 (1) One principal assistant or deputy and one private secretary for each board or
26 commission or head of an agency elected or appointed by the Governor or Legislature, unless
27 specifically provided otherwise by statute;

28 (2) All policy-making positions, which includes all Deputy Commissioners within the
29 Department of Health and Department of Human Services, unless specifically provided otherwise
30 by statute;

31 (3) Part-time professional personnel engaged in professional services without
32 administrative duties;

33 (4) Any person hired as an attorney beginning July 1, 2022; and

34 (5) Any employee transferred into the classified-exempt service pursuant to any other
35 provision of this code.

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.

§29-6-5. Division of Personnel continued; functions.

1 (a) The Division of Personnel is continued within the Department of Administration.

2 (b) The Division of Personnel shall perform the following functions:

3 (1) Evaluating applicants for appointment or promotion to positions in the classified service
4 subject to the requirements of §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-9, §5F-2-10, and §29-
5 1-1a of this code;(2) Establishing and applying, in consultation with the appointing authorities, a

6 system of classification for positions in the classified service including, as needed, department-
7 specific classifications and positions;

8 (3) Establishing and applying a system of compensation for positions in the classified
9 service;

10 (4) Establishing and maintaining records of employment for classified employees;

11 (5) Advising appointing authorities and supervisory personnel regarding disciplinary
12 matters, the provisions of this article, rules implementing the provisions of this article, and laws
13 and rules affecting human resource management;

14 (6) Providing training in human resource management and the operation of the state
15 personnel systems;

16 (7) Assuring compliance with this article and rules implementing the provisions of this
17 article;

18 (8) Accessing performance and disciplinary records of all classified and classified-exempt
19 employees and serving as a central clearinghouse pertaining to employment eligibility for
20 positions in state service;

21 (9) Assisting departments and agencies in marketing and advertising available positions
22 in the classified-exempt system;

23 (10) Assisting departments in creating categories and general job descriptions for
24 positions in the classified-exempt system; and

25 (11) Other functions necessary to the establishment of a system of personnel
26 administration as provided in this article.

**§29-6-6. State Personnel Board terminated; transfer of records, assets, equipment, powers,
duties, and responsibilities.**

1 The State Personnel Board is terminated, and all of the board's records, assets,
2 equipment, powers, duties, and responsibilities—including the authority to promulgate or repeal

3 any rule of the board under § 29A-3-1 *et seq.* of this code—shall be transferred to the Director of
4 the Division of Personnel.

§29-6-7. Director of personnel; qualifications; powers and duties.

1 (a) The Secretary of the Department of Administration shall appoint the director. The
2 director shall be a person knowledgeable of the application of the merit principles in public
3 employment as evidenced by the obtainment of a degree in business administration, personnel
4 administration, public administration or the equivalent or adequate administrative experience. The
5 salary for the director is set out in §6-7-2a of this code.

6 (b) The director shall:

7 (1) Consistent with the provisions of this article, administer the operations of the division,
8 allocating the functions and activities of the division among sections as the director may establish;

9 (2) Maintain systems necessary to carry out the provisions of this article;

10 (3) Plan, evaluate, administer and implement personnel programs and policies in state
11 government and to political subdivisions after agreement by the parties;

12 (4) Prescribe and provide training and consultation to appointing authorities regarding the
13 employee selection process and employ performance evaluation procedures;

14 (5) Develop programs to improve efficiency and effectiveness of the public service,
15 including, but not limited to, employee training, development, assistance and incentives, which,
16 notwithstanding any provision of this code to the contrary, may include monetary incentives for
17 recruitment and retention of employees;

18 (6) Establish pilot programs and other projects for a maximum of one year outside of the
19 provisions of this article, to be included in the annual report;

20 (7) Establish and apply, in consultation with appointing authorities, department-specific
21 classification and compensation plans for classified employees;

22 (8) Establish an internship program;

23 (9) Assist the Governor and Secretary of the Department of Administration in general
24 workforce planning and other personnel matters;

25 (10) Make an annual report to the Governor and Legislature and all other special or
26 periodic reports as may be required;

27 (11) Assess costs for special or other services; and

28 (12) Improve the effectiveness and efficiency of state government through the
29 development of a skilled workforce by providing:

30 (A) Classroom and online training programs for employees and managers;

31 (B) Coaching services to improve the performance of employees, managers, and
32 executives; and

33 (C) Consulting to foster higher competency in critical managerial functions, ensure that
34 public funds are expended judiciously, and promote respectful and satisfying customer service.

§29-6-8. Duties of board generally.

1 [Repealed.]

§29-6-9. Civil service commission abolished; transfer of duties and responsibilities; rule of construction; transfer of employees, equipment, and records; continuation of programs, protections and rules.

1 [Repealed.]

§29-6-10. Rule-making authority.

1 (a) The division may promulgate, adopt, amend, or repeal rules, pursuant to §29A-3-1 *et*
2 *seq.* of this code, to implement the provisions of this article:

3 (1) For the preparation, maintenance, and revision of a position classification plan for all
4 positions in the classified service, including, as needed, department-specific classifications and
5 positions based upon similarity of duties performed and responsibilities assumed. After each
6 classification plan has been approved by the director and the head of the department, the director
7 shall allocate every position in the classified service to one of the classes in the classified plan.

8 Any employee affected by the allocation of a position to a class shall, after filing with the director
9 of personnel a written request for reconsideration thereof in such manner and form as the director
10 may prescribe, be given a reasonable opportunity to be heard thereon by the director. The
11 interested appointing authority shall be given like opportunity to be heard.

12 (2) For the preparation, maintenance, and revision of a pay plan for all employees in the
13 classified service, including, as needed, department-specific classifications and positions, after
14 consultation with appointing authorities and the state fiscal officers. The pay plan shall become
15 effective only after approval by the Governor. Amendments to the pay plan may be made in the
16 same manner. Each classified employee shall be paid at one of the rates set forth in the pay plan
17 for the class of position in which he or she is employed. The principle of equal pay for equal work
18 shall be followed in the pay plan as established hereby. The Governor or his or her designee shall
19 have authority to restrict the implementation of annual adjustments of the pay plan as
20 necessitated by fiscal constraints.

21 (3) For the open competition of applicants for the respective positions in the classified
22 service. The competition may be by examination or by review of the training, experience, and
23 other qualifications required for a position and shall be announced publicly at least five calendar
24 days in advance of the date fixed for the filing of applications therefor, and may be advertised
25 through the press, radio, or other media. The director may, however, in his or her discretion,
26 continue to receive applications and examine candidates long enough to assure a sufficient
27 number of eligible candidates to meet the needs of the service and may add the names of eligible
28 candidates to existing eligible lists in accordance with their respective ratings.

29 Any veteran shall have an additional five points added to his or her examination or review
30 score: *Provided*, That a disabled veteran is entitled to an additional 10 points, rather than five
31 points.

32 (4) For promotions within the classified service which shall consider the applicant's
33 qualifications, record of performance, seniority, and his or her score on a written examination,

34 when such examination is practicable.. When any benefit such as a promotion, wage increase, or
35 transfer is to be awarded, or when a withdrawal of a benefit such as a reduction in pay, a layoff,
36 or job termination is to be made, and a choice is required between two or more employees in the
37 classified service as to who will receive the benefit or have the benefit withdrawn, and if some or
38 all of the eligible employees have substantially equal qualifications and records of performance,
39 consideration shall be given to the level of seniority of each of the respective employees as a
40 factor in determining which of the employees will receive the benefit or have the benefit withdrawn.
41 The division in its classification plans may, for designated classifications, permit substitution of
42 qualifying experience for specific educational or training requirements at a rate determined by the
43 director.

44 (5) For layoffs due to business necessity and for recall of laid off employees, consideration
45 shall be given to an employee's seniority as measured by permanent employment in the classified
46 service or a state agency. In the event that the agency wishes to lay off a more senior employee,
47 the agency must demonstrate that the senior employee cannot perform the job duties of a position
48 held by less senior employees within that agency in the job class or any other equivalent or lower
49 job class for which the senior employee is qualified: *Provided*, That if an employee refuses to
50 accept a position in a lower job class, such employee shall retain all rights of recall as provided.

51 (6) For recall of employees, recall shall be by reverse order of layoff to any job class that
52 the employee has previously held or a lower class in the series within the agency as that job class
53 becomes vacant. An employee will retain his or her place on the recall list for the same period of
54 time as his or her seniority on the date of his or her layoff or for a period of two years, whichever
55 is less. No new employees may be hired for any vacancy in his or her job class or in a lower job
56 class in the series until all eligible employees on layoff are given the opportunity to refuse that job
57 class. An employee shall be recalled into jobs within the county wherein his or her last place of
58 employment is located or within a county contiguous to that county. Any laid-off employee who is

59 eligible for a vacant position shall be notified by certified mail of the vacancy. It is the responsibility
60 of the employee to notify the agency of any change in his or her address.

61 (A) When filling vacancies in the classified system the appointing authority shall, for a
62 period of 12 months after the layoff of a permanent classified employee in another agency, give
63 preference to qualified permanent classified employees based on seniority and fitness over all
64 but existing employees of the agency or its facilities.

65 (B) Employment of these persons who are qualified and who were permanently employed
66 immediately prior to their layoff shall not supersede the recall rights of employees who have been
67 laid off in such agency or facility.

68 (7) For the establishment of lists of eligible candidates for appointment and promotion
69 within the classified service. Eligibility for appointment from any such list shall continue for not
70 longer than three years. An appointing authority shall make his or her selection from the top 20
71 names on the appropriate lists of eligible candidates or may choose any person scoring at or
72 above the 80th percentile on the examination.

73 (8) For the establishment of lists of eligible candidates for preference as provided in
74 subdivision (6) of this section, a list shall be provided according to seniority. An appointing
75 authority shall make the selection of the most senior qualified person: *Provided*, That eligibility for
76 appointment from any list shall continue not longer than one year and shall cease immediately
77 upon appointment to a classified position.

78 (9) For the rejection of candidates within the classified, classified-exempt, and exempt
79 service who fail to comply with reasonable requirements regarding such factors as age, physical
80 condition, character, criminal background, training, or experience, who are addicted to alcohol or
81 narcotics or who have attempted any deception or fraud in connection with an examination.

82 (10) For a probationary period not to exceed one year before appointment may be made
83 permanent within the classified service.

84 (11) For provisional employment without competitive examination within the classified
85 service when there is no appropriate list of eligible candidates available.

86 (12) For the maintenance of records of performance of all employees in the classified
87 service, which may be considered in determining salary increases and decreases provided in the
88 pay plan; as a factor in promotions; and as a factor in suspensions, demotions, dismissals, and
89 transfers.

90 (13) For dismissal or reduction in rank or grade only for cause of employees in the
91 classified service. Dismissal or reduction of these employees shall take place only after the person
92 to be dismissed or reduced has been presented with the reasons for the dismissal or reduction
93 stated in writing, and has been allowed a reasonable time to reply thereto in writing, or upon
94 request to appear personally and reply to the appointing authority or his or her designee: *Provided,*
95 That upon an involuntary dismissal for cause, the employer may require immediate separation
96 from the workplace, or the employee may elect immediate separation. If separation is required by
97 the employer in lieu of any advance notice of dismissal, or if immediate separation is elected by
98 an employee who receives notice of an involuntary dismissal for cause, the employee is entitled
99 to receive severance pay attributable to time the employee otherwise would have worked, up to
100 a maximum of 15 calendar days following separation. Receipt of severance pay does not affect
101 any other right to which the employee is entitled with respect to the dismissal. The statement of
102 reasons for the dismissal and any reply shall be filed as a public record with the director.
103 Notwithstanding the foregoing provisions of this subdivision, a permanent employee shall not be
104 dismissed from the classified service for absenteeism solely due to exhausting all annual leave
105 and sick leave when such use has been due to illness or injury as verified by a physician's
106 certification or for other extenuating circumstances beyond the employee's control except when
107 his or her disability is of such a nature as to permanently incapacitate him or her from the
108 performance of the duties of his or her position or renders his or her services unreliable. Upon
109 exhaustion of annual leave and sick leave for the reasons specified herein and with certification

110 by a physician that the employee is temporarily unable to perform his or her duties, a permanent
111 employee shall be granted a medical leave of absence without pay for a period not to exceed six
112 months: *Provided*, That such employee is not permanently unable to satisfactorily perform the
113 duties of his or her position. Probationary and permanent state employees are eligible for a
114 medical leave of absence without pay for the period of time during which he or she is receiving
115 temporary total disability benefits for a personal injury that occurred in the course of and resulting
116 from state employment.

117 (14) For facilitating the efficient hiring, allocation, and assignment of personnel by the
118 departments and agency heads;

119 (15) For a program under which annual leave accrued or accumulated by an employee of
120 an agency may, if voluntarily agreed to by the employee, be donated to another designated
121 employee if the other employee has exhausted his or her leave because of a medical emergency:
122 *Provided*, That none of the leave transferred may be used to qualify for or add to service for any
123 retirement system administered by the State of West Virginia; and

124 (16) For any other rules, not inconsistent with this article, as may be proper and necessary
125 for its enforcement.

126 (b) The director shall periodically review the establishment of all classified-exempt
127 positions by the departments and agencies of the state to ensure consistent interpretation of the
128 provisions of this article.

129 (c) The provisions of this section are subject to any modifications contained in §5F-1-1 *et*
130 *seq.* of this code. The division may include in the rules provided for in this article such provisions
131 as are necessary to conform to regulations and standards of any federal agency governing the
132 receipt and use of federal grants-in-aid by any state agency, anything in this article to the contrary
133 notwithstanding. The director shall see that rules and practices meeting such standards are in
134 effect continuously after the effective date of this article.

135 (d) Nothing in the rules provided for in this section may conflict with the requirements of
136 §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-9, §5F-2-10, or §29-1-1a of this code.

§29-6-10a. Reduction in work force.

1 [Repealed.]

§29-6-14. Certification of payrolls; wrongfully withholding certification of payroll.

1 [Repealed.]

§29-6-16. Records of division.

1 The records of the division are subject to the Freedom of Information Act in §29B-1-1 *et*
2 *seq.*, of this code and the personal information of employees and applicants are subject to the
3 exemption from disclosure under §29B-1-4(a)(2) of this code.

§29-6-24. Posting of job openings.

1 (a) Whenever a job opening occurs within the classified service, the appointing authority
2 shall, in addition to any other requirement of law or rule for the posting of job opening notices, at
3 least five calendar days before making an appointment to fill the job opening, post a notice within
4 the building or facility where the duties of the job will be performed and throughout the agency, or
5 through electronic or social media readily available to the public and the employees of the agency.
6 The notice shall state that a job opening has occurred and describe the duties to be performed
7 by a person employed in that position..

8 (b) If a person selected for a posted vacancy within the first 30 calendar days of
9 employment:

10 (1) refuses the offer of employment;

11 (2) fails to report to work; or

12 (3) resigns or otherwise separates from employment,

13 the appointing authority is not required to repost the vacancy prior to another appointment
14 to the position if the appointment is made within 60 calendar days and the selection is made from
15 the pool of eligible applicants from which the first employee was hired.

§29-6-25. Implementation; report to Governor and Legislature.

1 [Repealed.]

§29-6-27. Leave donation program.

1 [Repealed.]

CHAPTER 49. CHILD WELFARE.

**ARTICLE 10. ELIMINATING THE BUREAU OF SOCIAL SERVICES EXEMPTION
FROM THE DIVISION OF PERSONNEL.**

§49-10-101. Legislative findings.

1 (a) *Legislative findings and intent.* –

2 (1) The several exemptions from centralized administration of the state’s personnel have
3 created multiple, redundant, inefficient, and overly complex personnel and human resources
4 systems in several parts of state government; and

5 (2) Shifting to a centralized oversight system that includes necessary flexibility for all state
6 departments—instead of a few favored agencies—would facilitate the streamlining of state
7 government and ensure the proper management of the state executive personnel systems.

8 (b) Beginning on July 1, 2026, the Bureau for Social Service’s authority to establish a
9 classified system for personnel administration under this article is abolished and all personnel
10 within the classified system created under this article shall be subject to the provisions of §29-6-
11 1 *et seq.* of this code except that:

12 (1) Any and all job classifications, specifications, and compensation structures established
13 by the bureau, prior to July 1, 2026, by the authority granted under this section, shall transfer to
14 the oversight and administration of the Division of Personnel; and

15 (2) Following the transfer, the Division of Personnel shall not modify the job classifications,
16 specifications, and compensation structures created pursuant to this article prior to July 1, 2026,

17 except with the consent of the Secretary of the Department of Human Services or as provided in
18 §5F-2-10 of this code.

§49-10-102. Bureau for Social Service employees exempt from Division of Personnel.

1 [Repealed.]

§49-10-103. Bureau for Social Service employees no requirement uniformity in pay scale.

1 [Repealed.]

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect July 1, 2026.

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Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor