

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 401

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

[Introduced January 15, 2026; 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 promoted employees within the
3 Department of Health Facilities, Department of Human Services, and the Department of
4 Health from the classified civil service system and the state grievance procedures
5 beginning on July 1, 2026.

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 of Health Facilities, Human Services, and Health to Classified Exempt System.

1 (a) The Legislature hereby finds that to attract and retain employees in the Departments of
2 Health Facilities, Department of Human Services, and Department of Health, the secretaries of
3 these departments and heads of the agencies, boards, and commissions therein require
4 additional flexibility in the promotion, transfer, layoff, removal, discipline, and compensation of
5 state employees within these departments.

6 (b) Notwithstanding any provision of this code or any rule to the contrary, beginning on July
7 1, 2026, all employees of the Departments of Health Facilities, Department of Human Services,
8 and Department of Health shall be exempt from the state grievance procedures as set forth in
9 §6C-2-1 et seq. of this code and from the classified civil service system under §29-6-1 et seq. of
10 this code except that:

11 (1) All employees of the Departments of Health Facilities, Department of Human Services,
12 and Department of Health who are currently members of the classified civil service system shall
13 retain their status as long as they remain in their current position; and

14 (2) All employees of these departments who currently have recourse to the state grievance
15 procedures will continue to have access to the state grievance procedures as long as they remain
16 in their current position;

17 (3) Any employee of these departments that leaves his or her position and remains a state

18 employee within any of the departments governed by §5B-1-2, §5B-2-1, §5B-2i-4, §5F-2-8, §5F-2-
19 9, §29-1-1a shall, at that time, be transferred to the classified exempt service system as defined in
20 §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-
21 2-1 et seq. of this code; and

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

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

27 (d) Nothing in this section shall exempt these departments from the provisions of this code
28 prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion,
29 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 Departments of Health Facilities, Department of Human Services, and Department of Health from the classified civil service system and the state grievance process starting on July 1, 2026.

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