

SB 587

FILED

2009 APR 20 PM 4: 07

**WEST VIRGINIA LEGISLATURE**

OFFICE OF THE CLERK OF THE WEST VIRGINIA  
LEGISLATURE  
STATE

**SEVENTY-NINTH LEGISLATURE**

**REGULAR SESSION, 2009**



**ENROLLED**

**Senate Bill No. 587**

(BY SENATOR BOWMAN)

[Passed April 6, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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AN ACT to repeal §29-6-9a of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-2 of said code, relating to abolishing the State Personnel Advisory Council.

*Be it enacted by the Legislature of West Virginia:*

That §29-6-9a of the Code of West Virginia, 1931, as amended, be repealed; and that §29-6-2 of said code be amended and reenacted to read as follows:

**ARTICLE 6. CIVIL SERVICE SYSTEM.**

**§29-6-2. Definition of terms.**

- 1 As used in this article, unless the context indicates
- 2 otherwise, the term:
  - 3 (a) "Administrator" means any person who fills a
  - 4 statutorily created position within or related to an agency
  - 5 or board (other than a board member) and who is desig-
  - 6 nated by statute as commissioner, deputy commissioner,

7 assistant commissioner, director, chancellor, chief, execu-  
8 tive director, executive secretary, superintendent, deputy  
9 superintendent or other administrative title, however  
10 designated;

11 (b) "Agency" means any administrative unit of state  
12 government, including any authority, board, bureau,  
13 commission, committee, council, division, section or office;

14 (c) "Appointing authority" means a person or group of  
15 persons authorized by an agency to make appointments to  
16 positions in the classified or classified-exempt service;

17 (d) "Board" means the State Personnel Board created by  
18 section six of this article;

19 (e) "Class" or "class of positions" means a group of  
20 positions sufficiently similar in duties, training, experi-  
21 ence and responsibilities, as determined by specifications,  
22 that the same qualifications, the same title and the same  
23 schedule of compensation and benefits may be equitably  
24 applied to each position in the group;

25 (f) "Classification plan" means the plan by which  
26 positions in the classified service and classified-exempt  
27 service have been allocated by class;

28 (g) "Classified-exempt service" means an employee  
29 whose position satisfies the definitions for "class" and  
30 "classify" but who is not covered under the civil service  
31 system or employed by the higher education governing  
32 boards;

33 (h) "Classified service" means an employee whose job  
34 satisfies the definitions for "class" and "classify" and who  
35 is covered under the civil service system;

36 (i) "Classify" means to group all positions in classes and  
37 to allocate every position to the appropriate class in the  
38 classification plan;

39 (j) "Director" means the head of the Division of Person-  
40 nel as appointed by section seven of this article;

41 (k) "Division" means the Division of Personnel herein  
42 created;

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

50 (m) "Position" means a particular job which has been  
51 classified based on specifications;

52 (n) "Secretary" means the Secretary of the Department  
53 of Administration created in section two, article one,  
54 chapter five-f of this code;

55 (o) "Specification" means a description of a class of  
56 position which defines the class, provides examples of  
57 work performed and the minimum qualifications required  
58 for employment;

59 (p) "Veteran" means any person who has served in the  
60 armed forces of the United States of America during  
61 World War I (April 6, 1917–November 11, 1918), World  
62 War II (December 7, 1941–December 31, 1946), the Korean  
63 Conflict (June 27, 1950–January 31, 1955), the Vietnam  
64 Conflict (August 5, 1964–May 7, 1975) or in a campaign,  
65 expedition or conflict for which a campaign badge has  
66 been authorized and received by such person and who has  
67 received a discharge under honorable conditions from such  
68 service.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*

.....  
Chairman Senate Committee

*[Handwritten Signature]*

.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*

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Clerk of the Senate

*[Handwritten Signature]*

.....  
Clerk of the House of Delegates

*[Handwritten Signature]*

.....  
President of the Senate

*[Handwritten Signature]*

.....  
Speaker House of Delegates

The within *is approved* this the *20<sup>th</sup>*  
Day of *April*, 2009.

*[Handwritten Signature]*

.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 16 2009

Time 10:10am