

Senate Bill No. 599

(By Senators Edgell, Miller, Kirkendoll, Green,
Unger and Kessler (Mr. President))

[Introduced March 22, 2013;
referred to the Committee on Labor;
and then to the Committee on Government Organization.]

A BILL to amend and reenact §29-6-4 of the Code of West Virginia,
1931, as amended, relating to expanding the number of hours
temporary state personnel may work in a calendar year.

Be it enacted by the Legislature of West Virginia:

That §29-6-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 6. CIVIL SERVICE SYSTEM.

**§29-6-4. Classified-exempt service; additions to classified service;
exemptions.**

- 1 (a) The classified-exempt service includes all positions
- 2 included in the classified-exempt service on the effective date
- 3 of this article.

4 (b) Except for the period commencing on July 1, 1992,
5 and ending on the first Monday after the second Wednesday
6 of the following January and except for the same periods
7 commencing in the year 1996, and in each fourth year
8 thereafter, the Governor may, by executive order, with the
9 written consent of the State Personnel Board and the
10 appointing authority concerned, add to the list of positions in
11 the classified service, but ~~such~~ the additions ~~shall~~ may not
12 include any positions specifically exempted from coverage as
13 provided in this section.

14 (c) The following offices and positions are exempt from
15 coverage under the classified service:

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

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

19 (3) All officers elected by popular vote and employees of
20 the officer;

21 (4) All secretaries of departments and employees within
22 the office of a secretary;

23 (5) Members of boards and commissions and heads of
24 departments appointed by the Governor or ~~such~~ heads of
25 departments selected by commissions or boards when
26 expressly exempt by law or board order;

27 (6) Excluding the policy-making positions in an agency,
28 one principal assistant or deputy and one private secretary for
29 each board or commission or head of a department elected or
30 appointed by the Governor or Legislature;

31 (7) All policy-making positions;

32 (8) Patients or inmates employed in state institutions;

33 (9) Persons employed in a professional or scientific
34 capacity to make or conduct a temporary and special inquiry,
35 investigation or examination on behalf of the Legislature or
36 a committee thereof, an executive department or by authority
37 of the Governor;

38 (10) All employees of the Office of the Governor,
39 including all employees assigned to the executive mansion;

40 (11) Part-time professional personnel engaged in
41 professional services without administrative duties and

42 personnel employed for ~~ninety days~~ one thousand hours or
43 less during a working year;

44 (12) Members and employees of the board of trustees and
45 board of directors or their successor agencies;

46 (13) Uniformed personnel of the State Police; and

47 (14) Seasonal employees in the state forests, parks and
48 recreational areas working less than 1,733 hours per calendar
49 year. ~~Provided, That~~ Notwithstanding any provision of law
50 to the contrary, seasonal employees ~~shall~~ are not ~~be~~
51 considered full-time employees.

52 (d) The Legislature finds that the holding of political
53 beliefs and party commitments consistent or compatible with
54 those of the Governor contributes in an essential way to the
55 effective performance of and is an appropriate requirement
56 for occupying certain offices or positions in state
57 government, such as the secretaries of departments and the
58 employees within their offices, the heads of agencies
59 appointed by the Governor and, for each such head of
60 agency, a private secretary and one principal assistant or

61 deputy, all employees of the Office of the Governor
62 including all employees assigned to the executive mansion,
63 as well as any persons appointed by the Governor to fill
64 policy-making positions, in that ~~such~~ those offices or
65 positions are confidential in character and require their
66 holders to act as advisors to the Governor or the Governor's
67 appointees, to formulate and implement the policies and
68 goals of the Governor or the Governor's appointees, or to
69 help the Governor or the Governor's appointees
70 communicate with and explain their policies and views to the
71 public, the Legislature and the press.

72 (e) All county road supervisor positions ~~shall be~~ are
73 covered under the classified service effective July 1, 1999.
74 ~~Provided, That any~~ A person employed as a county road
75 supervisor on the effective date of this section ~~shall not be~~ is
76 not required to take or pass a qualifying or competitive
77 examination upon or as a condition of becoming a classified
78 service employee. All county road supervisors who become
79 classified service employees pursuant to this subsection who

80 are severed, removed or terminated in his or her employment
81 must be severed, removed or terminated as if the person was
82 a classified service employee.

(NOTE: The purpose of this bill is to expand the number of hours a state employee can work in a temporary position each year from ninety days to one thousand hours.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)