

**E N R O L L E D**

**H. B. 3028**

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(BY DELEGATE(S) STAGGERS, D. POLING, PETHTEL,  
PAXTON, AND SMITH, P.)

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[Passed April 9, 2013; in effect from passage.]

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AN ACT 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 of
- 3 this article.

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

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

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

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

17 (3) All officers elected by popular vote and employees of the  
18 officer;

19 (4) All secretaries of departments and employees within the  
20 office of a secretary;

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

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

29 (7) All policy-making positions;

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

31 (9) Persons employed in a professional or scientific capacity  
32 to make or conduct a temporary and special inquiry, investiga-

33 tion or examination on behalf of the Legislature or a committee  
34 thereof, an executive department or by authority of the Gover-  
35 nor;

36 (10) All employees of the office of the Governor, including  
37 all employees assigned to the executive mansion;

38 (11) Part-time professional personnel engaged in profes-  
39 sional services without administrative duties and personnel  
40 employed for one thousand hours or less during a working year;

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

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

44 (14) Seasonal employees in the state forests, parks, and  
45 recreational areas working less than 1,733 hours per calendar  
46 year. Notwithstanding any provision of law to the contrary,  
47 seasonal employees are not considered full-time employees.

48 (d) The Legislature finds that the holding of political beliefs  
49 and party commitments consistent or compatible with those of  
50 the Governor contributes in an essential way to the effective  
51 performance of and is an appropriate requirement for occupying  
52 certain offices or positions in state government, such as the  
53 secretaries of departments and the employees within their  
54 offices, the heads of agencies appointed by the Governor and, for  
55 each such head of agency, a private secretary and one principal  
56 assistant or deputy, all employees of the office of the Governor  
57 including all employees assigned to the executive mansion, as  
58 well as any persons appointed by the Governor to fill pol-  
59 icy-making positions, in that those offices or positions are  
60 confidential in character and require their holders to act as  
61 advisors to the Governor or the Governor's appointees, to  
62 formulate and implement the policies and goals of the Governor  
63 or the Governor's appointees, or to help the Governor or the

64 Governor's appointees communicate with and explain their  
65 policies and views to the public, the Legislature and the press.

66 (e) All county road supervisor positions are covered under  
67 the classified service effective July 1, 1999. A person employed  
68 as a county road supervisor on the effective date of this section,  
69 is not required to take or pass a qualifying or competitive  
70 examination upon or as a condition of becoming a classified  
71 service employee. All county road supervisors who become  
72 classified service employees pursuant to this subsection who are  
73 severed, removed or terminated in his or her employment must  
74 be severed, removed or terminated as if the person was a  
75 classified service employee.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
*Governor*





