

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4059**

BY DELEGATES ROHRBACH, D. JEFFRIES, SUMMERS,  
PACK, G. WARD, WORRELL, ROWAN, FORSHT, MALLOW,  
AND JENNINGS

[Passed March 12, 2022; in effect from passage.]



1 AN ACT to amend and reenact §29-6-4 of the Code of West Virginia, 1931, as amended, relating  
2 to exemptions from classified service; clarifying that all new Department of Health and  
3 Human Resources' Deputy Commissioners are policy-making positions exempt from civil  
4 service; and exempting persons employed as attorneys from the civil service.

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

**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 included in the classified-exempt  
2 service on the effective date of this article.

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

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

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

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

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

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

15 (5) Members of boards and commissions and heads of departments appointed by the  
16 Governor or heads of departments selected by commissions or boards when expressly exempt  
17 by law or board order;

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

21 (7) All policy-making positions, which includes newly hired Deputy Commissioners within  
22 the Department of Health and Human Resources;

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

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

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

29 (11) Part-time professional personnel engaged in professional services without  
30 administrative duties;

31 (12) Temporary employees;

32 (13) Members and employees of the board of trustees and board of directors or their  
33 successor agencies;

34 (14) Uniformed personnel of the State Police;

35 (15) Temporary employees in the state forests, parks, and recreational areas; and

36 (16) Any person hired as an attorney beginning July 1, 2022.

37 (d) The Legislature finds that the holding of political beliefs and party commitments  
38 consistent or compatible with those of the Governor contributes in an essential way to the effective  
39 performance of and is an appropriate requirement for occupying certain offices or positions in  
40 state government, such as the secretaries of departments and the employees within their offices,  
41 the heads of agencies appointed by the Governor and, for each such head of agency, a private  
42 secretary and one principal assistant or deputy, all employees of the office of the Governor  
43 including all employees assigned to the executive mansion, as well as any persons appointed by

44 the Governor to fill policy-making positions, in that those offices or positions are confidential in  
45 character and require their holders to act as advisors to the Governor or the Governor's  
46 appointees, to formulate and implement the policies and goals of the Governor or the Governor's  
47 appointees, or to help the Governor or the Governor's appointees communicate with and explain  
48 their policies and views to the public, the Legislature, and the press.

49 (e) All county road supervisor positions are covered under the classified service effective  
50 July 1, 1999. A person employed as a county road supervisor on the effective date of this section  
51 is not required to take or pass a qualifying or competitive examination upon, or as a condition of,  
52 becoming a classified service employee. All county road supervisors who become classified  
53 service employees pursuant to this subsection who are severed, removed, or terminated in his or  
54 her employment must be severed, removed, or terminated as if the person was a classified service  
55 employee.



The 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 ....., 2022.

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*Governor*