

2011 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2198

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on February 3, 2011)

(Patron Prior to Substitute—Delegate Comstock)

A BILL to amend and reenact § 2.2-2812 of the Code of Virginia, relating to employment of personnel within the executive branch of state government.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2812 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2812. Employment of personnel.

A. Notwithstanding any other provision of law to the contrary, the agency administrator of each executive branch agency, except those that by law are appointed by their respective boards, shall employ the personnel necessary for the proper performance of all responsibilities of their agency subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) of this title and within the limits of appropriations made therefor by law.

B. Notwithstanding any other provision of law to the contrary, any employee of an agency in the executive branch of state government, who is (i) promoted within the same agency to a higher position classification ~~shall~~ and (ii) required to serve a period of time in a probationary status incident to such promotion, and shall be offered to be returned to such employee's previous classified position or an equivalent position for which a vacancy exists if, for any reason other than misconduct, the probationary period of employment is not satisfied or completed.

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