

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-28-79

Time 1:20 p.m.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979



ENROLLED

SENATE BILL NO. 6

(By Mr. Gaines)

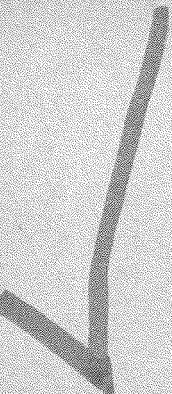


PASSED March 8, 1979

In Effect twenty days from Passage



No. 6



ENROLLED
Senate Bill No. 6
(By MR. GAINER)

[Passed March 8, 1979; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to personal leave for teachers and other employees of county boards of education.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-10. Personal leave for illness and other causes.

1 At the beginning of his employment term, any full-
2 time employee of a county board of education shall be
3 entitled annually to at least one and one-half days per-
4 sonal leave for each employment month or major fraction
5 thereof in the employee's employment term. Unused
6 leave shall be accumulative without limitation and shall
7 be transferable within the state. A change in job assign-
8 ment during the school year shall in no way affect the
9 employee's rights or benefits.

10 A regular full-time employee who is absent from
11 assigned duties due to accident, sickness, death in the
12 immediate family, or other cause authorized or approved
13 by the board, shall be paid his full salary from his regular
14 budgeted salary appropriation during the period which
15 he is absent, but not to exceed the total amount of leave
16 to which he is entitled: *Provided*, That each such em-

17 ployee shall be permitted three days of such leave annu-
18 ally, which may be taken without regard to the cause for
19 the absence, except that personal leave without cause
20 may not be taken on consecutive work days unless author-
21 ized or approved by the employee's principal or im-
22 mediate supervisor, as the case may be: *Provided,*
23 *however,* That notice of such leave day shall be given
24 to the employee's principal or immediate supervisor, as
25 the case may be, at least twenty-four hours in advance,
26 except that in the case of sudden and unexpected circum-
27 stances, such notice shall be given as soon as reasonably
28 practicable; however, the use of such day may be denied
29 if, at the time notice is given, either fifteen percent of
30 the employees or three employees, whichever is greater,
31 under the supervision of the principal or immediate super-
32 visor, as the case may be, have previously notified the
33 principal or immediate supervisor of their intention to
34 use that day for such leave: *Provided further,* That such
35 leave shall not be used in connection with a concerted
36 work stoppage or strike. Where the cause for leave had
37 its origin prior to the beginning of the employment term,
38 the employee shall be paid for time lost after the start
39 of the employment term. If an employee should use per-
40 sonal leave which he has not yet accumulated on a
41 monthly basis and subsequently leave his employment,
42 he shall be required to reimburse the board for the salary
43 or wages paid to him for such unaccumulated leave.

44 The board may establish reasonable regulations for
45 reporting and verification of absence for causes; and if
46 any error in reporting absences should occur it shall have
47 authority to make necessary salary adjustments in the
48 next pay after the employee has returned to duty or in
49 the final pay if the absence should occur during the last
50 month of his employment term. When such allowable
51 absence does not directly affect the instruction of the
52 pupils or when a substitute employee may not be required
53 because of the nature of the work and the duration of the
54 cause for the allowable absence of the regular employee,
55 the administration, subject to board approval, may use its
56 discretion as to the need for a substitute where limited
57 absence may prevail. Any board of education shall have

58 authority to supplement such leave provisions in any
59 manner it may deem advisable.

60 If funds in any fiscal year, including transfers, are
61 insufficient to pay the full cost of substitutes for meeting
62 the provisions of this section, the remainder shall be paid
63 on or before the thirty-first day of August from the bud-
64 get of the next fiscal year.

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

James L. Davis
Chairman Senate Committee

Laurence C. Christian
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. P. Allouge
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. B. Whitson
President of the Senate

Clide M. Lee
Speaker House of Delegates

The within *is approved* this the *28*

day of *March* 1979.

Paul R. Ryan
Governor



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