ENROLLED
Senate Bill No. 428
(By MR. GALPERIN and MR. PALUMBO)
[Passed April 9, 1981; in effect July 1, 1981.]

AN ACT to amend article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifteen, relating to the employment of substitute auxiliary and service personnel and establishing their pay.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifteen, to read as follows:

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-15. Employment of auxiliary and service personnel substitutes; establishing substitute pay.

1 The county board may employ and the county superintendent, subject to the approval of the county board of education, may employ and assign substitute auxiliary and service personnel to perform any of the following duties:
2 (1) To fill the temporary absence of another auxiliary or service employee;
3 (2) To fill the position of a regular auxiliary or service employee on leave of absence: Provided, That if such leave of absence is to extend beyond thirty days, the board, within ten working days from the commencement of the leave of
absence, shall give regular employee status to a person hired
to fill such position, giving preferential hiring treatment to
persons previously assigned to such position. The substitute
shall hold such position and regular employee status only
until the regular employee returns to such position and shall
have and shall be accorded all rights, privileges and benefits
pertaining to such position;
(3) To perform the service of an auxiliary or service
employee who is authorized to be absent from duties without
loss of pay;
(4) To temporarily fill a vacancy in a permanent position
caused by severance of employment by the resignation,
retirement, permanent disability or death of the regular
auxiliary or service employee who had been assigned to fill
such position: Provided, That within ten working days from
the commencement of the vacancy, the board shall give
regular employee status to a person hired to fill such vacancy
so created, giving preferential hiring treatment to persons
previously assigned to such position, and such person shall
have and shall be accorded all rights, privileges and benefits
pertaining to such position; or
(5) To fill the vacancy created by a regular employee's
suspension: Provided, That a substitute auxiliary and service
employee shall not be assigned to fill the vacancy on a
permanent basis until such termination by the county board
of education becomes final.
The salary of a substitute auxiliary or service employee
shall be based upon his years of employment as defined in
section eight of this article and as provided in the state
minimum pay scale set forth in section eight-a of this article
and shall be in accordance with the salary schedule of
persons regularly employed in the same position in the
county in which he is employed.
Before any auxiliary or service substitute employee enters
upon his duties, he shall execute with the county board of
education a written contract as provided in sections four and
five, article two of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baxley
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Joseph C. White
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within __________ this the _____ day of __________, 1981.

[Signature]
Governor