

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 462

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

Committee Substitute for
SENATE BILL NO. 462

(By Mr. Lucas)



PASSED April 11, 1981

In Effect ninty days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 462

(MR. HECK, *original sponsor*)

[Passed April 11, 1981; in effect ninety days from passage.]

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 sixteen, relating to extracurricular assignments for school employees.

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 ^{2c} ^{J.C.H.} by adding thereto a new section, designated section sixteen, to read as follows:

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-16. Extracurricular assignments.

1 (1) Notwithstanding the provisions of section seven,
2 article two of this chapter and section eight, article four of this
3 chapter, the assignment of teachers and auxiliary and service
4 personnel to extracurricular assignments shall be made only
5 by mutual agreement of the employee and the
6 superintendent, or a designated representative, subject to
7 board approval. Extracurricular duties shall mean, but not be
8 limited to, any activities that occur at times other than
9 regularly scheduled working hours, which include the
10 instructing, coaching, chaperoning, escorting, providing
11 support services or caring for the needs of students, and
12 which occur on a regularly scheduled basis.

13 (2) The employee and the superintendent, or a designated
14 representative, subject to board approval, shall mutually
15 agree upon the maximum number of hours of extracurricular
16 assignment in each school year for each extracurricular
17 assignment.

18 (3) The terms and conditions of the agreement between
19 the employee and the board of education shall be in' writing
20 and signed by both parties.

21 (4) An employee's contract of employment shall be
22 separate from the extracurricular assignment agreement
23 provided for in this section and shall not be conditioned upon
24 the employee's acceptance or continuance of any
25 extracurricular assignment proposed by the superintendent,
26 a designated representative, or the board: *Provided*, That if a
27 properly certified replacement for a coach or assistant coach
28 of one or more interscholastic athletic teams or a band
29 director satisfactory to the board cannot be employed, the
30 employee under the extracurricular assignment agreement
31 for such duty shall continue that assignment until a properly
32 certified person is employed for the position, but such
33 continued assignment shall not be longer than one year:
34 *Provided, however*, That dismissal of an interscholastic
35 athletic coach or assistant coach or band director for cause
36 pursuant to section eight, article two of this chapter, under
37 his contract of employment or his extracurricular assignment
38 agreement shall be grounds, at the instance of either party, for
39 termination of the other such contract: *Provided, further*,
40 That any interscholastic athletic head coach, assistant coach
41 or band director who resigns from his extracurricular
42 assignment may at the discretion of the board be placed on
43 the list of transfer and subsequent reassignment pursuant to
44 section seven, article two, chapter eighteen-a of this code.

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

R. P. Bayler
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Isabel C. Skillis
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

Wm. P. Roan
President of the Senate

Clayton G. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *20*

day of *April*, 1981.

John R. Peeples
Governor

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