WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Committee Substitute for
SENATE BILL NO. 462

(By Mr. [Signature])

PASSED [Signature] 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 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, article two of this chapter and section eight, article four of this chapter, the assignment of teachers and auxiliary and service personnel to extracurricular assignments shall be made only by mutual agreement of the employee and the superintendent, or a designated representative, subject to board approval. Extracurricular duties shall mean, but not be limited to, any activities that occur at times other than regularly scheduled working hours, which include the instructing, coaching, chaperoning, escorting, providing support services or caring for the needs of students, and which occur on a regularly scheduled basis.

2 (2) The employee and the superintendent, or a designated representative, subject to board approval, shall mutually agree upon the maximum number of hours of extracurricular assignment in each school year for each extracurricular assignment.
(3) The terms and conditions of the agreement between
the employee and the board of education shall be in writing
and signed by both parties.

(4) An employee's contract of employment shall be
separate from the extracurricular assignment agreement
provided for in this section and shall not be conditioned upon
the employee's acceptance or continuance of any
extracurricular assignment proposed by the superintendent,
a designated representative, or the board: Provided, That if a
properly certified replacement for a coach or assistant coach
of one or more interscholastic athletic teams or a band
director satisfactory to the board cannot be employed, the
employee under the extracurricular assignment agreement
for such duty shall continue that assignment until a properly
certified person is employed for the position, but such
continued assignment shall not be longer than one year:
Provided, however, That dismissal of an interscholastic
athletic coach or assistant coach or band director for cause
pursuant to section eight, article two of this chapter, under
his contract of employment or his extracurricular assignment
agreement shall be grounds, at the instance of either party, for
termination of the other such contract: Provided, further,
That any interscholastic athletic head coach, assistant coach
or band director who resigns from his extracurricular
assignment may at the discretion of the board be placed on
the list of transfer and subsequent reassignment pursuant to
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. F. Bayes
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Joseph C. Biller
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

William B. Popenoe
President of the Senate

Charles H. Hare, Jr.
Speaker House of Delegates

The within [signature]
this the 20th day of [April], 1981.

[Signature]
Governor