

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 428
827

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 428

(By Mr. Salperin & Mr. Palumbo)



PASSED April 9, 1981

In Effect July 1, 1981 ~~Page~~



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
- 2 superintendent, subject to the approval of the county board
- 3 of education, may employ and assign substitute auxiliary and
- 4 service personnel to perform any of the following duties:
- 5 (1) To fill the temporary absence of another auxiliary or
- 6 service employee;
- 7 (2) To fill the position of a regular auxiliary or service
- 8 employee on leave of absence: *Provided*, That if such leave of
- 9 absence is to extend beyond thirty days, the board, within ten
- 10 working days from the commencement of the leave of

11 absence, shall give regular employee status to a person hired
12 to fill such position, giving preferential hiring treatment to
13 persons previously assigned to such position. The substitute
14 shall hold such position and regular employee status only
15 until the regular employee returns to such position and shall
16 have and shall be accorded all rights, privileges and benefits
17 pertaining to such position;

18 (3) To perform the service of an auxiliary or service
19 employee who is authorized to be absent from duties without
20 loss of pay;

21 (4) To temporarily fill a vacancy in a permanent position
22 caused by severance of employment by the resignation,
23 retirement, permanent disability or death of the regular
24 auxiliary or service employee who had been assigned to fill
25 such position: *Provided*, That within ten working days from
26 the commencement of the vacancy, the board shall give
27 regular employee status to a person hired to fill such vacancy
28 so created, giving preferential hiring treatment to persons
29 previously assigned to such position, and such person shall
30 have and shall be accorded all rights, privileges and benefits
31 pertaining to such position; or

32 (5) To fill the vacancy created by a regular employee's
33 suspension: *Provided*, That a substitute auxiliary and service
34 employee shall not be assigned to fill the vacancy on a
35 permanent basis until such termination by the county board
36 of education becomes final.

37 The salary of a substitute auxiliary or service employee
38 shall be based upon his years of employment as defined in
39 section eight of this article and as provided in the state
40 minimum pay scale set forth in section eight-a of this article
41 and shall be in accordance with the salary schedule of
42 persons regularly employed in the same position in the
43 county in which he is employed.

44 Before any auxiliary or service substitute employee enters
45 upon his duties, he shall execute with the county board of
46 education a written contract as provided in sections four and
47 five, article two of this chapter.

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 July 1, 1981.

Todd C. Willis
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

Monroe B. Work
President of the Senate

Walter H. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *28*

day of *April*, 1981.

John P. Ramey
Governor

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