

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1415

(By Miss Davis + Mr. Moore)

— ● —

Passed March 13, 1982

In Effect July 1, 1982 ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1415

(By MISS DAVIS and MR. MOORE)

[Passed March 13, 1982; in effect July 1, 1982.]

AN ACT to amend and reenact section fourteen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to duty-free lunch periods for certain teachers and service personnel; and providing a planning period for certain teachers within each regular school day.

Be it enacted by the Legislature of West Virginia:

That section fourteen, 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-4-14. Duty-free lunch and daily planning period for certain employees.

1 (1) Notwithstanding the provisions of section seven, article
2 two of this chapter, every teacher who is employed for a
3 period of time more than one half the class periods of the
4 regular school day and every service personnel whose em-
5 ployment is for a period of more than three and one-half
6 hours per day and whose pay is at least the amount indicated

7 in the "state minimum pay scale" as set forth in section
8 eight-a of this article shall be provided a daily lunch recess
9 of not less than thirty consecutive minutes, and such em-
10 ployee shall not be assigned any responsibilities during this
11 recess. Such recess shall be included in the number of hours
12 worked, and no county shall increase the number of hours
13 to be worked by an employee as a result of such employee
14 being granted a recess under the provisions of this section.


15 (2) Every teacher who is regularly employed for a period
16 of time more than one half the class periods of the regular
17 school day shall be provided at least one planning period
18 within each regular school day to be used to complete neces-
19 sary preparations for the instruction of pupils. Such planning
20 period shall be the length of the usual class period in the
21 school to which such teacher is assigned, and shall be not
22 less than thirty minutes. No teacher shall be assigned any
23 responsibilities during this period, and no county shall in-
24 crease the number of hours to be worked by a teacher as a
25 result of such teacher being granted a planning period sub-
26 sequent to the adoption of this section (March 13, 1982).

27 Principals, and assistant principals, where applicable, shall
28 cooperate in carrying out the provisions of this subsection,
29 including, but not limited to, assuming control of the class
30 period or supervision of students during the time the teacher
31 is engaged in the planning period. Substitute teachers may
32 also be utilized to assist with classroom responsibilities under
33 this subsection: *Provided*, That any substitute teacher who is
34 employed to teach a minimum of two consecutive days in the
35 same position shall be granted a planning period pursuant to
36 this section.

37 (3) Nothing in this section shall be construed to prevent
38 any teacher from exchanging his lunch recess or planning
39 period or any service personnel from exchanging his lunch
40 recess for any compensation or benefit mutually agreed upon
41 by the employee and the county superintendent of schools or
42 his agent: *Provided*, That a teacher and the superintendent
43 or his agent may not agree to terms which are different from
44 those available to any other teacher granted rights under

45 this section within the individual school or to terms which
46 in any way discriminate among such teachers within the
47 individual school, and that service personnel granted rights
48 under this section and the superintendent or his agent may
49 not agree to terms which are different from those available to
50 any other service personnel within the same classification
51 category granted rights under this section within the individual
52 school or to terms which in any way discriminate among such
53 service personnel within the same classification category
54 within the individual school.

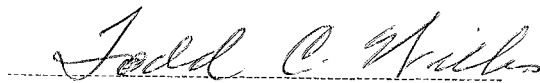
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

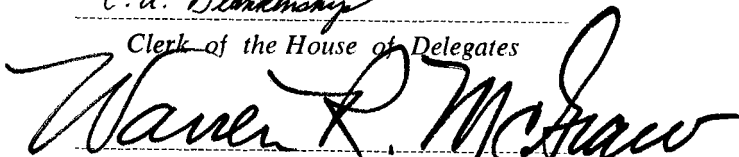

Chairman House Committee

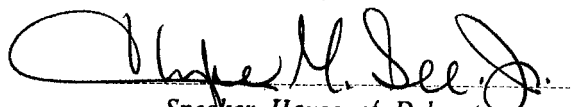
Originating in the House.

Takes effect July 1, 1982.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of March, 1982.


Governor

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SECRETARY OF STATE