

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

# 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).

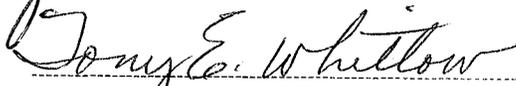
27 Principals, and assistant principals, where applicable, shall  
28 cooperate in carrying out the provisions of this subsection,  
29 including, but not limited to, assuming control of the class  
30 period or supervision of students during the time the teacher  
31 is engaged in the planning period. 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.

  
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Chairman Senate Committee

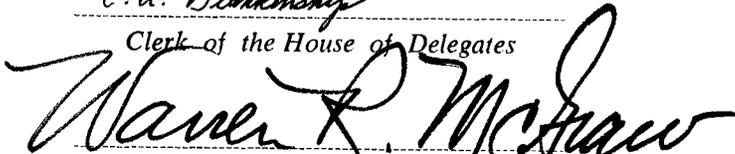
  
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Chairman House Committee

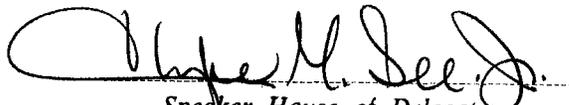
Originating in the House.

Takes effect July 1, 1982.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

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

  
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Governor

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CLERK OF THE  
SECY. OF STATE