WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED
Com. Sub. for
HOUSE BILL No. 2477

(By Mr. Ashcraft, By Request)

Passed March 9, 1991
In Effect 90 Days From Passage
AN ACT to amend and reenact sections two and four, article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section thirty-nine, article five of said chapter; to amend and reenact section four, article two, chapter eighteen-a; and to amend and reenact sections eight and ten, article four of said chapter, relating to clarifying qualifications of superintendents; the employment of school personnel during the summer; providing for seniority in summer service positions; licensing of school electricians; providing priority status to certain disabled service personnel in certain instances; and enlarging conditions of personal leave for service employees.

Be it enacted by the Legislature of West Virginia:

That sections two and four, article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section thirty-nine, article five of said chapter be amended and reenacted; that section four, article two, chapter eighteen-a be amended and reenacted; and that sections eight and ten, article four of said chapter be amended and reenacted to read as follows:
CHAPTER 18. EDUCATION.

ARTICLE 4. COUNTY SUPERINTENDENT OF SCHOOLS.

§18-4-2. Qualifications; health certificate; disability; acting superintendent.

1 Superintendents employed prior to the twenty-eighth day of June, one thousand nine hundred eighty-eight shall hold a certificate valid in West Virginia and an approved master's degree including at least twelve semester hours in school administration and supervision, and at least five years experience in public school teaching and/or supervision.

2 Any superintendent appointed as superintendent after the twenty-seventh day of June, one thousand nine hundred eighty-eight shall meet requirements for the professional administrative certificate endorsed for superintendent by the first day of July, one thousand nine hundred ninety-three. Any new superintendent appointed as of the thirtieth day of August, one thousand nine hundred ninety shall hold a professional administrative certificate endorsed for superintendent. Any person employed as assistant superintendent or educational administrator prior to the twenty-seventh day of June, one thousand nine hundred eighty-eight and who was previously employed as superintendent shall not be required to hold the professional administrative certificate endorsed for superintendent.

3 Before entering upon the discharge of his duties the superintendent shall file with the president of the board a health certificate from a reputable physician, on a form prescribed by the state department of schools, certifying that he is physically fit for the duties of his office and that he has no infectious or contagious disease; and if the superintendent, due to accident or illness, should become incapacitated to an extent that could lead to a prolonged absence, the board, upon unanimous vote, shall have authority to enter an order declaring such incapacity and it shall appoint an acting superintendent until such time as a majority of the members of the board shall determine that the incapacity no longer exists. However, an acting superintendent shall not
serve as such for more than one year, or later than the
expiration date of the superintendent's term, whichever
is less, without being reappointed by the board of
education.

§18-4-4. Compensation.

1 On or before the first day of May of the year in which
the superintendent is appointed, the board shall fix the
annual salary of the superintendent for the period of
appointment for the term beginning on the first day of
July following. The board shall pay the salary from the
general current expense fund of the district.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-39. Establishment of summer school programs;
tuition.

1 Inasmuch as the present county school facilities for
the most part lie dormant and unused during the
summer months, and inasmuch as there are many
students who are in need of remedial instruction and
others who desire accelerated instruction, it is the
purpose of this section to provide for the establishment
of a summer school program, which program is to be
separate and apart from the full school term as
established by each county.

10 The board of education of any county shall have
authority to establish a summer school program utiliz-
ing the public school facilities and to charge tuition for
students who attend such summer school, such tuition
not to exceed in any case the actual cost of operation of
such summer school program: Provided, That any
deserving pupil whose parents, in the judgment of the
board, are unable to pay such tuition, may attend at a
reduced charge or without charge. The county board of
education shall have the authority to determine the term
and curriculum of such summer schools based upon the
particular needs of the individual county. The curricu-

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lum may include, but is not limited to, remedial
instruction, accelerated instruction, and the teaching of
manual arts. The term of such summer school program
may not be established in such a manner as to interfere
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26 with the regular school term.

27 The county boards may employ as teachers for this
28 summer school program any certified teacher. Certified
29 teachers employed by the county board to teach in the
30 summer school program shall be paid an amount to be
31 determined by the county board and shall enter into a
32 contract of employment in such form as is prescribed
33 by the county board: Provided, That teachers who teach
34 summer courses of instruction which are offered for
35 credit and which are taught during the regular school
36 year shall be paid at the same daily rate such teacher
37 would receive if paid in accordance with the then
38 current minimum monthly salary in effect for teachers
39 in that county.

40 Any funds accruing from such tuitions shall be
41 credited to and expended within the existing framework
42 of the general current expense fund of the county board.

43 Notwithstanding any other provision of this code to
44 the contrary, the board shall fill professional positions
45 established pursuant to the provisions of this section on
46 the basis of certification and length of time the
47 professional has been employed in the county’s summer
48 school program. In the event that no employee who has
49 been previously employed in the summer school pro-
50 gram holds a valid certification or licensure, a board
51 shall fill the position as a classroom teaching position in
52 accordance with section eight-b, article four, chapter
53 eighteen-a of this code.

54 Notwithstanding any other provision of the code to the
55 contrary, the county board of education is authorized to
56 employ school service personnel to perform any related
57 duties outside the regular school term as defined in
58 section eight, article four, chapter eighteen-a of this
59 code. An employee who was employed in any service
60 personnel job or position during the immediate previous
61 summer shall have the option of retaining such job or
62 position if such exists during any succeeding summer.
63 If such employee is unavailable or if the position is
64 newly created, the position shall be filled pursuant to
65 section eight-b, article four, chapter eighteen-a of this
code. When any summer employee who is employed in a summer position is granted a leave of absence for the summer months, the board shall give regular employment status to such employee for that summer position which shall be filled under the procedure set forth in section eight-b, article four, chapter eighteen-a of this code. The summer employee on leave of absence shall have the option of returning to that summer position if such exists the succeeding summer or whenever such position is reestablished if it were abolished. The salary of a summer employee shall be in accordance with the salary schedule of persons regularly employed in the same position in the county where employed.

If a county board reduces in force the number of employees to be employed in a particular summer program or classification from the number employed in such position in previous summers, such reductions in force and priority in reemployment to such summer positions shall be based upon the length of service time in the particular summer program or classification.

For the purpose of this section, summer employment for service personnel shall be defined, but not limited to, filling jobs and positions as defined in section eight, article four, chapter eighteen-a of this code and especially established for and which are to be predominantly performed during the summer months to meet the needs of a county board of education.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-4. Commercial driver's license for school personnel; reimbursement of electrician's and commercial driver's license when required.

1 If a commercial driver's license is required as a condition of employment for any school employee or qualified applicant who becomes an employee by a county board of education, the cost shall be paid in full by the employer.

6 It is unlawful for any county board of education to require any employee or applicant who becomes an
employee of the board to pay the cost of acquiring a commercial driver's license as a condition of employment.

The division of motor vehicles shall accept the West Virginia department of education physical and psychomotor test result forms in lieu of the division of motor vehicles vision report form.

If a county board of education requires of any employee who is employed as an electrician any license renewal when the employee is exempt from renewing the license pursuant to section three, article three-b, chapter twenty-nine of this code the cost of such license renewal shall be paid in full by the county board of education.

§18A-4-8. Employment term and class titles of service personnel; definitions.

The purpose of this section is to establish an employment term and class titles for service personnel. The employment term for service personnel shall be no less than ten months, a month being defined as twenty employment days: Provided, That the county board of education may contract with all or part of these personnel for a longer term. The beginning and closing dates of the ten-month employment term shall not exceed forty-three weeks. Service personnel employed on a yearly or twelve-month basis may be employed by calendar months. Whenever there is a change in job assignment during the school year, the minimum pay scale and any county supplement shall be applicable.

Service personnel employed in the same classification for more than the two hundred day minimum employment term shall be paid for additional employment at a daily rate of not less than the daily rate paid for the two hundred day minimum employment term.

No service employee, without his agreement, shall be required to report for work more than five days per week and no part of any working day may be accumulated by the employer for future work assignments, unless the employee agrees thereto.
Should an employee whose regular work week is scheduled from Monday through Friday agree to perform any work assignments on a Saturday or Sunday, the employee shall be paid for at least one-half day of work for each such day he reports for work, and if the employee works more than three and one-half hours on any Saturday or Sunday, he shall be paid for at least a full day of work for each such day.

Custodians required to work a daily work schedule that is interrupted, that is, who do not work a continuous period in one day, shall be paid additional compensation which shall be equal to at least one eighth of their total salary as provided by their state minimum salary and any county pay supplement, and payable entirely from county funds.

Upon the change in classification or upon meeting the requirements of an advanced classification of or by any employee, his salary shall be made to comply with the requirements of this article, and to any county salary schedule in excess of the minimum requirements of this article, based upon his advanced classification and allowable years of employment.

An employee's contract as provided in section five, article two of this chapter shall state the appropriate monthly salary the employee is to be paid, based on the class title as provided in this article and any county salary schedule in excess of the minimum requirements of this article.

The column heads of the state minimum pay scale and class titles, set forth in section eight-a of this article, are defined as follows:

"Pay grade" means the monthly salary applicable to class titles of service personnel.

"Years of employment" means the number of years which an employee classified as service personnel has been employed by a board of education in any position prior to or subsequent to the effective date of this section and including service in the armed forces of the United States if the employee were employed at the time of his
For the purpose of section eight-a of this article, years of employment shall be limited to the number of years shown and allowed under the state minimum pay scale as set forth in section eight-a of this article.

“Class title” means the name of the position or job held by service personnel.

“Accountant I” means personnel employed to maintain payroll records and reports and perform one or more operations relating to a phase of the total payroll.

“Accountant II” means personnel employed to maintain accounting records and to be responsible for the accounting process associated with billing, budgets, purchasing and related operations.

“Accountant III” means personnel who are employed in the county board of education office to manage and supervise accounts payable and/or payroll procedures.

“Aide I” means those personnel selected and trained for teacher-aide classifications such as monitor aide, clerical aide, classroom aide or general aide.

“Aide II” means those personnel referred to in the “Aide I” classification who have completed a training program approved by the state board of education, or who hold a high school diploma or have received a general educational development certificate. Only personnel classified in an Aide II class title shall be employed as an aide in any special education program.

“Aide III” means those personnel referred to in the “Aide I” classification who hold a high school diploma or a general educational development certificate, and have completed six semester hours of college credit at an institution of higher education or are employed as an aide in a special education program and have one year's experience as an aide in special education.

“Aide IV” means personnel referred to in the “Aide I” classification who hold a high school diploma or a general educational development certificate and who have completed eighteen hours of state board-approved
college credit at a regionally accredited institution of higher education, or who have completed fifteen hours of state board-approved college credit at a regionally accredited institution of higher education and successfully completed an in-service training program determined by the state board to be the equivalent of three hours of college credit.

“Audiovisual technician” means personnel employed to perform minor maintenance on audiovisual equipment, films, supplies and the filling of requests for equipment.

“Auditor” means personnel employed to examine and verify accounts of individual schools and to assist schools and school personnel in maintaining complete and accurate records of their accounts.

“Braille or sign language specialist” means personnel employed to provide braille and/or sign language assistance to students.

“Bus operator” means personnel employed to operate school buses and other school transportation vehicles as provided by the state board of education.

“Buyer” means personnel employed to review and write specifications, negotiate purchase bids and recommend purchase agreements for materials and services that meet predetermined specifications at the lowest available costs.

“Cabinetmaker” means personnel employed to construct cabinets, tables, bookcases and other furniture.

“Cafeteria manager” means personnel employed to direct the operation of a food services program in a school, including assigning duties to employees, approving requisitions for supplies and repairs, keeping inventories, inspecting areas to maintain high standards of sanitation, preparing financial reports and keeping records pertinent to food services of a school.

“Carpenter I” means personnel classified as a carpenter's helper.

“Carpenter II” means personnel classified as a journeyman carpenter.
“Chief mechanic” means personnel employed to be responsible for directing activities which ensure that student transportation or other board-owned vehicles are properly and safely maintained.

“Clerk I” means personnel employed to perform clerical tasks.

“Clerk II” means personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines.

“Computer operator” means qualified personnel employed to operate computers.

“Cook I” means personnel employed as a cook’s helper.

“Cook II” means personnel employed to interpret menus, to prepare and serve meals in a food service program of a school and shall include personnel who have been employed as a “Cook I” for a period of four years, if such personnel have not been elevated to this classification within that period of time.

“Cook III” means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a food service program of a school system.

“Crew leader” means personnel employed to organize the work for a crew of maintenance employees to carry out assigned projects.

“Custodian I” means personnel employed to keep buildings clean and free of refuse.

“Custodian II” means personnel employed as a watchman or groundsman.

“Custodian III” means personnel employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs.

“Custodian IV” means personnel employed as head custodians. In addition to providing services as defined in “Custodian III,” their duties may include supervising other custodian personnel.
"Director or coordinator of services" means personnel not defined as professional personnel or professional educators in section one, article one of this chapter, who are assigned to direct a department or division.

"Draftsman" means personnel employed to plan, design and produce detailed architectural/engineering drawings.

"Electrician I" means personnel employed as an apprentice electrician helper or who holds an electrician helper license issued by the state fire marshal.

"Electrician II" means personnel employed as an electrician journeyman or who holds a journeyman electrician license issued by the state fire marshal.

"Electronic technician I" means personnel employed at the apprentice level to repair and maintain electronic equipment.

"Electronic technician II" means personnel employed at the journeyman level to repair and maintain electronic equipment.

"Executive secretary" means personnel employed as the county school superintendent's secretary or as a secretary who is assigned to a position characterized by significant administrative duties.

"Food services supervisor" means qualified personnel not defined as professional personnel or professional educators in section one, article one of this chapter, employed to manage and supervise a county school system's food service program. The duties would include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency, and keeping aggregate records and reports.

"Foremen" means skilled persons employed for supervision of personnel who work in the areas of repair and maintenance of school property and equipment.

"General maintenance" means personnel employed as helpers to skilled maintenance employees and to perform minor repairs to equipment and buildings of a
county school system.

“Glazier” means personnel employed to replace glass or other materials in windows and doors and to do minor carpentry tasks.

“Graphic artist” means personnel employed to prepare graphic illustrations.

“Groundsmen” means personnel employed to perform duties that relate to the appearance, repair and general care of school grounds in a county school system. Additional assignments may include the operation of a small heating plant and routine cleaning duties in buildings.

“Handyman” means personnel employed to perform routine manual tasks in any operation of the county school system.

“Heating and air conditioning mechanic I” means personnel employed at the apprentice level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heating and air conditioning mechanic II” means personnel employed at the journeyman level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heavy equipment operator” means personnel employed to operate heavy equipment.

“Inventory supervisor” means personnel who are employed to supervise or maintain operations in the receipt, storage, inventory and issuance of materials and supplies.

“Key punch operator” means qualified personnel employed to operate key punch machines or verifying machines.

“Locksmith” means personnel employed to repair and maintain locks and safes.

“Lubrication man” means personnel employed to lubricate and service gasoline or diesel-powered equipment of a county school system.
“Machinist” means personnel employed to perform machinist tasks which include the ability to operate a lathe, planer, shaper, threading machine and wheel press. Such personnel should also have ability to work from blueprints and drawings.

“Mail clerk” means personnel employed to receive, sort, dispatch, deliver or otherwise handle letters, parcels and other mail.

“Maintenance clerk” means personnel employed to maintain and control a stocking facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts.

“Mason” means personnel employed to perform tasks connected with brick and block laying and carpentry tasks related to such laying.

“Mechanic” means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system.

“Mechanic assistant” means personnel employed as a mechanic apprentice and helper.

“Multi-classification” means personnel employed to perform tasks that involve the combination of two or more class titles in this section or as created by the West Virginia board of education. In such instances the minimum salary scale shall be the higher pay grade of the class titles involved.

“Office equipment repairman I” means personnel employed as an office equipment repairman apprentice or helper.

“Office equipment repairman II” means personnel responsible for servicing and repairing all office machines and equipment. Personnel shall be responsible for parts being purchased necessary for the proper operation of a program of continuous maintenance and repair.

“Painter” means personnel employed to perform
duties of painting, finishing and decorating of wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system.

“Paraprofessional” means a person certified pursuant to section two-a, article three of this chapter to perform duties in a support capacity including, but not limited to, facilitating in the instruction and direct or indirect supervision of pupils under the direction of a principal, a teacher, or another designated professional educator: Provided, That no person employed on the effective date of this section in the position of an aide may be reduced in force or transferred to create a vacancy for the employment of a paraprofessional.

“Plumber I” means personnel employed as an apprentice plumber and helper.

“Plumber II” means personnel employed as a journeyman plumber.

“Printing operator” means personnel employed to operate duplication equipment, and as required, to cut, collate, staple, bind and shelve materials.

“Printing supervisor” means personnel employed to supervise the operation of a print shop.

“Programmer” means personnel employed to design and prepare programs for computer operation.

“Roofing/sheet metal mechanic” means personnel employed to install, repair, fabricate and maintain roofs, gutters, flashing and duct work for heating and ventilation.

“Sanitation plant operator” means personnel employed to operate and maintain a water or sewage treatment plant to ensure the safety of the plant’s effluent for human consumption or environmental protection.

“School bus supervisor” means qualified personnel employed to assist in selecting school bus operators and routing and scheduling of school buses, operate a bus when needed, relay instructions to bus operators, plan emergency routing of buses and promoting good
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relationships with parents, pupils, bus operators and other employees.

"Secretary I" means personnel employed to transcribe from notes or mechanical equipment, receive callers, perform clerical tasks, prepare reports and operate office machines.

"Secretary II" means personnel employed in any elementary, secondary, kindergarten, nursery, special education, vocational or any other school as a secretary. The duties may include performing general clerical tasks, transcribing from notes or stenotype or mechanical equipment or a sound-producing machine, preparing reports, receiving callers and referring them to proper persons, operating office machines, keeping records and handling routine correspondence. There is nothing implied herein that would prevent such employees from holding or being elevated to a higher classification.

"Secretary III" means personnel assigned to the county board of education office administrators in charge of various instructional, maintenance, transportation, food services, operations and health departments, federal programs or departments with particular responsibilities of purchasing and financial control or any personnel who have served in a position which meets the definition of "Secretary II" or "Secretary III" herein for twelve years.

"Supervisor of maintenance" means skilled personnel not defined as professional personnel or professional educators as in section one, article one of this chapter. The responsibilities would include directing the upkeep of buildings and shops, issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures and mechanical and electrical equipment of a board of education.

"Supervisor of transportation" means qualified personnel employed to direct school transportation activities, properly and safely, and to supervise the maintenance and repair of vehicles, buses, and other mechanical and mobile equipment used by the county
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367 school system.

368 “Switchboard operator-receptionist” means personnel
369 employed to refer incoming calls, to assume contact with
370 the public, to direct and to give instructions as neces-
371 sary, to operate switchboard equipment and to provide
372 clerical assistance.

373 “Truck driver” means personnel employed to operate
374 light or heavy duty gasoline and diesel-powered vehicles.
375 “Warehouse clerk” means personnel employed to be
376 responsible for receiving, storing, packing and shipping
377 goods.

378 “Watchman” means personnel employed to protect
379 school property against damage or theft. Additional
380 assignments may include operation of a small heating
381 plant and routine cleaning duties.

382 “Welder” means personnel employed to provide
383 acetylene or electric welding services for a school
384 system.

385 In addition to the compensation provided for in section
386 eight-a of this article, for service personnel, each service
387 employee shall, notwithstanding any provisions in this
388 code to the contrary, be entitled to all service personnel
389 employee rights, privileges and benefits provided under
390 this or any other chapter of this code without regard to
391 such employee's hours of employment or the methods or
392 sources of compensation.

393 Service personnel whose years of employment exceed
394 the number of years shown and provided for under the
395 state minimum pay scale set forth in section eight-a of
396 this article, may not be paid less than the amount shown
397 for the maximum years of employment shown and
398 provided for in the classification in which he is
399 employed.

400 The county boards shall review each service personnel
401 employee job classification annually and shall reclassify
402 all service employees as required by such job classifi-
403 cations. The state superintendent of schools is hereby
404 authorized to withhold state funds appropriated pursu-
ant to this article for salaries for service personnel who
are improperly classified by such county boards.
Further, he shall order county boards to correct
immediately any improper classification matter and
with the assistance of the attorney general shall take any
legal action necessary against any county board to
enforce such order.

The state board of education is authorized to establish
other class titles of service personnel positions and jobs
not listed in this section. The state board of education
is further authorized to provide appropriate pay grades
for such positions and jobs but pay shall be established
within the minimum salary scale in section eight-a of
this article.

No service employee, without his written consent, may
be reclassified by class title, nor may a service employee,
without his written consent, be relegated to any
condition of employment which would result in a
reduction of his salary, rate of pay, compensation or
benefits earned during the current fiscal year or which
would result in a reduction of his salary, rate of pay,
compensation or benefits for which he would qualify by
continuing in the same job position and classification
held during said fiscal year and subsequent years.

Any board failing to comply with the provisions of this
article may be compelled to do so by mandamus, and
shall be liable to any party prevailing against the board
for court costs and his reasonable attorney fee, as
determined and established by the court.

Notwithstanding any provisions in this code to the
contrary, service personnel who hold a continuing
contract in a specific job classification and are physi-
cally unable to perform the job's duties as confirmed by
a physician chosen by the employee shall be given
priority status over any employee not holding a contin-
uing contract in filling other service personnel job
vacancies if qualified as provided in section eight-e of
this article.

§18A-4-10. Personal leave for illness and other causes;
leave banks; substitutes.
At the beginning of the employment term, any full-time employee of a county board of education shall be entitled annually to at least one and one-half days personal leave for each employment month or major fraction thereof in the employee's employment term. Unused leave shall be accumulative without limitation and shall be transferable within the state. A change in job assignment during the school year shall in no way affect the employee's rights or benefits.

A regular full-time employee who is absent from assigned duties due to accident, sickness, death in the immediate family, or life threatening illness of the employee's spouse, parents or child, or other cause authorized or approved by the board, shall be paid the full salary from his regular budgeted salary appropriation during the period which such employee is absent, but not to exceed the total amount of leave to which such employee is entitled: Provided, That each such employee shall be permitted three days of such leave annually, which may be taken without regard to the cause for the absence, except that personal leave without cause may not be taken on consecutive work days unless authorized or approved by the employee's principal or immediate supervisor, as the case may be: Provided, however, That notice of such leave day shall be given to the employee's principal or immediate supervisor, as the case may be, at least twenty-four hours in advance, except that in the case of sudden and unexpected circumstances, such notice shall be given as soon as reasonably practicable; however, the use of such day may be denied if, at the time notice is given, either fifteen percent of the employees or three employees, whichever is greater, under the supervision of the principal or immediate supervisor, as the case may be, have previously notified the principal or immediate supervisor of their intention to use that day for such leave: Provided further, That such leave shall not be used in connection with a concerted work stoppage or strike. Where the cause for leave had its origin prior to the beginning of the employment term, the employee shall be paid for time lost after the start of the employment term. If an employee should use personal leave which the employee
has not yet accumulated on a monthly basis and subsequently leave the employment, the employee shall be required to reimburse the board for the salary or wages paid to him for such unaccumulated leave.

Prior to the first day of January, one thousand nine hundred eighty-nine, the state board shall establish rules, effective on said date, to restrict the payment of personal leave benefits and the charging of personal leave time used to an employee receiving a workers' compensation benefit from a claim filed against and billed to the employee's board. If an employee is awarded such benefit, such employee shall receive personal leave compensation only to the extent such compensation is required, when added to the workers' compensation benefit, to equal the amount of compensation regularly paid such employee. If personal leave compensation equal to the employee's regular pay is paid prior to the award of the workers' compensation benefit, such amount which, when added to the benefit, is in excess of the employee's regular pay shall be deducted from the employee's subsequent pay. The employee's accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to compensate the employee at the employee's regular rate of pay.

The board may establish reasonable rules for reporting and verification of absences for cause; and if any error in reporting absences should occur it shall have authority to make necessary salary adjustments in the next pay after the employee has returned to duty or in the final pay if the absence should occur during the last month of the employment term.

A county board of education may establish a personal leave bank or banks to which employees may contribute no more than two days of personal leave per school year: Provided, That such bank or banks be established either jointly or separately for both professional personnel and school service personnel and that a bank be available to all school personnel. Such personal leave bank shall be established and operated pursuant to rules adopted by the county board: Provided, however, That such rules

may limit the maximum number of days used by an employee, shall require that leave bank days be used only by an active employee with less than five days accumulated personal leave who is absent from work due to accident or illness of such employee, and shall prohibit the use of such days with the extension of insurance coverage pursuant to section twelve, article sixteen, chapter five of this code. Such rules shall require that contributions shall reduce, to the extent of such contribution, the number of personal leave days to which an employee is entitled by this section: Provided further, That such contribution shall not reduce personal leave days without cause to which an employee is entitled. No employee may be compelled to contribute to such personal leave bank.

When an allowable absence does not directly affect the instruction of the pupils or when a substitute employee may not be required because of the nature of the work and the duration of the cause for the allowable absence of the regular employee, the administration, subject to board approval, may use its discretion as to the need for a substitute where limited absence may prevail.

If funds in any fiscal year, including transfers, are insufficient to pay the full cost of substitutes for meeting the provisions of this section, the remainder shall be paid on or before the thirty-first day of August from the budget of the next fiscal year.

Any board of education shall have authority to supplement such leave provisions in any manner it may deem advisable in accordance with applicable rules of the state board and the provisions of this chapter and chapter eighteen of this code.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the day of , 1991.

Governor