WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 27
(By Senator Lucht, et al.)

PASSED March 7, 1992
In Effect 90 days from Passage
ENROLLED

Senate Bill No. 27

(BY SENATORS LUCHT, FELTON AND HUMPHREYS)

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and four, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section ten, article nine of said chapter, relating to higher education personnel; extending leave transfer provisions to non-classified employees; providing generally for leave banks; and providing for election of faculty and classified employee advisory council members in April of each even-numbered year.

Be it enacted by the Legislature of West Virginia:

That sections two and four, article six, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section ten, article nine of said chapter be amended and reenacted to read as follows:

ARTICLE 6. OTHER BOARDS AND ADVISORY COUNCILS.

§18B-6-2. Advisory councils of faculty.

1 Effective the first day of July, one thousand nine hundred eighty-nine, each governing board shall be assisted by an advisory council of faculty.
During the month of April of each even-numbered year, each president or other administrative head of a state institution of higher education, including Potomac state college of West Virginia university and West Virginia university at Parkersburg, at the direction of the councils and in accordance with procedures established by the councils, shall convene a meeting or otherwise institute a balloting process to elect one faculty to serve on the appropriate governing board’s advisory council of faculty, which shall consist of one faculty, so elected, from each such institution under the appropriate governing board. Terms of the members of each council shall be for two years and shall begin on the first day of July of each even-numbered year, and members of each advisory council shall be eligible to succeed themselves.

The advisory councils of faculty shall meet at least once each quarter. One of the quarterly meetings shall be during the month of July, at which meeting each council shall elect a chairman, who shall be by virtue of the office a voting member of the appropriate governing board. No member may vote by proxy at such election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairman by lot from the names of those persons tied. Immediately following the election of a chairman, each council shall elect, in the manner prescribed by this section for the election of a chairman, a member of that council to preside over meetings of the council in the chairman’s absence. Should the chairman vacate the position, the council shall meet and elect a new chairman to fill the unexpired term within thirty days following such vacancy.

Each advisory council of faculty, through its chairman and in any other appropriate manner, shall consult and advise its governing board in matters of higher education in which the faculty members may have an interest.

Members of each advisory council shall serve without compensation, but shall be entitled to reimburse-
ment for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.

Each governing board shall furnish secretarial services to its advisory council of faculty, and each advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any faculty member of a state institution of higher education represented on the council. Such minutes shall be forwarded to the advisory council of faculty serving the other governing board.

§18B-6-4. Advisory councils of classified employees.

Effective the first day of July, one thousand nine hundred eighty-nine, each governing board shall be assisted by an advisory council of classified employees.

During the month of April of each even-numbered year, each president or other administrative head of a state institution of higher education, including Potomac state college of West Virginia university and West Virginia university at Parkersburg, at the direction of the councils and in accordance with procedures established by the councils, shall convene a meeting or otherwise institute a balloting process to elect one classified employee to serve on the appropriate governing board’s advisory council of classified employees, which shall consist of one classified employee, so elected, from each such institution under the appropriate governing board. Terms of the members of such councils shall be for two years and shall begin on the first day of July of each even-numbered year, and members of the advisory councils shall be eligible to succeed themselves. For the purpose of this section the term “institution of higher education” includes the facilities and staff supervised by the senior administrator employed by the governing boards, who shall be deemed a part of the state college system, and the West Virginia network for telecomputing, who shall be deemed a part of the state university system.
Each advisory council of classified employees shall meet at least once each quarter. One of the quarterly meetings shall be during the month of July, at which meeting each council shall elect a chairman, who shall be by virtue of the office a voting member of the appropriate governing board: Provided, That the board of directors' advisory council for classified employees' chairman shall not be a member of the staff supervised by the central administrative official. No member may vote by proxy at such election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairman by lot from the names of those persons tied. Immediately following the election of a chairman, each council shall elect, in the manner prescribed by this section for the election of a chairman, a member of the council to preside over meetings of the council in the chairman's absence. Should the chairman vacate the position, the council shall meet and elect a new chairman to fill the unexpired term within thirty days following such vacancy.

Each advisory council of classified employees, through its chairman and in any other appropriate manner, shall consult and advise its governing board in matters of higher education in which the classified employees may have an interest.

Members of each advisory council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.

Each governing board shall furnish secretarial services to its advisory council of classified employees, and each advisory council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any classified employee of a state institution of higher education represented on the council. Such minutes shall be forwarded to the advisory council of classified employees serving the other governing board.
ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.


(a) A classified or nonclassified employee employed by the higher education governing board or by the central office may donate sick and annual leave to a leave bank established and operated in accordance with the provisions of subsection (c) of this section or directly to another employee in accordance with the provisions of subsection (d) of this section. No employee shall be compelled to donate sick or annual leave. Any leave donated by an employee pursuant to this section shall be used only for the purpose of catastrophic illness or injury as defined in subsection (b) of this section and shall reduce, to the extent of such donation, the number of days of annual or sick leave to which the employee is entitled.

(b) For the purpose of this section, a catastrophic illness or injury means an illness or injury which is expected to incapacitate the employee and which creates a financial hardship because the employee has exhausted all sick and annual leave and other paid time off. Catastrophic illness or injury shall also include an incapacitated immediate family member as defined by the appropriate governing board if this results in the employee being required to take time off from work for an extended period of time to care for the family member and the employee has exhausted all sick and annual leave and other paid time off.

(c) A leave bank or banks may be established at each state institution of higher education and the central office to which employees may donate either sick or annual leave. The bank or banks may be established jointly by the central office and both governing boards, may be established for the central office and each of the governing boards, or may be established for the central office and each institution of higher education under either governing board. Sick or annual leave may be deposited in the leave bank, and
such deposit shall be reflected as a day-for-day deduction from the sick or annual leave balance of the depositing employee.

Such deposited leave may be withdrawn by any employee experiencing a catastrophic illness or injury as those terms are defined in subsection (b) of this section upon appropriate verification that the employee is unable to work due to the catastrophic illness or injury as determined by the president of the institution or senior administrator, approval of the withdrawal by the president of the institution or senior administrator, and written notice to the personnel office. The withdrawal shall be reflected as a day-for-day addition to the leave balance of the withdrawing employee.

(d) Sick or annual leave may be donated to any employee experiencing a catastrophic illness or injury as those terms are defined in subsection (b) of this section. Such leave shall be donated at the request of the employee upon appropriate verification that the employee is unable to work due to the catastrophic illness or injury as determined by the president of the institution or senior administrator. Upon approval of the transfer of sick or annual leave by the president of the institution or senior administrator, any employee may, upon written notice to the personnel office, donate sick or annual leave in one-day increments. Donations shall be reflected as a day-for-day deduction from the sick or annual leave balance of the donating employee. An employee receiving the transfer of sick or annual leave shall have any time which is donated credited to such employee’s account in one-day increments and reflected as a day-for-day addition to the leave balance of the receiving employee.

(e) Use of donated credits may not exceed a maximum of twelve continuous calendar months for any one catastrophic illness or injury. The total amount of sick or annual leave withdrawn or received may not exceed an amount sufficient to insure the continuance of regular compensation and shall not be used to extend insurance coverage pursuant to section thir-
teen, article sixteen, chapter five of this code. An employee withdrawing or receiving donations of sick or annual leave pursuant to this section shall use any leave personally accrued on a monthly basis prior to receiving additional donated sick or annual leave.

(f) Transfer of sick or annual leave deposited in an institutional leave bank or transferred under subsection (c) may be inter-institutional in accordance with the policies of the appropriate governing board. Each institution and the central office shall be responsible for the administration of the sick or annual leave deposits, withdrawals and transfers of its employees. Rules implementing the provisions of this section may be adopted jointly or separately by the governing boards in accordance with article three-a, chapter twenty-nine-a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

\[Signature\]

Chairman Senate Committee

\[Signature\]

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

\[Signature\]

Clerk of the Senate

\[Signature\]

Clerk of the House of Delegates

\[Signature\]

President of the Senate

\[Signature\]

Speaker House of Delegates

The within is approved this the \[Signature\] day of April, 1992.

\[Signature\]
Governor