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1992 APR -1 PM 6: 01

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SECRETARY OF STATE

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
- 2 hundred eighty-nine, each governing board shall be
- 3 assisted by an advisory council of faculty.

4 During the month of April of each even-numbered
5 year, each president or other administrative head of a
6 state institution of higher education, including
7 Potomac state college of West Virginia university and
8 West Virginia university at Parkersburg, at the direc-
9 tion of the councils and in accordance with procedures
10 established by the councils, shall convene a meeting or
11 otherwise institute a balloting process to elect one
12 faculty to serve on the appropriate governing board's
13 advisory council of faculty, which shall consist of one
14 faculty, so elected, from each such institution under
15 the appropriate governing board. Terms of the
16 members of each council shall be for two years and
17 shall begin on the first day of July of each even-
18 numbered year, and members of each advisory council
19 shall be eligible to succeed themselves.

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

38 Each advisory council of faculty, through its chair-
39 man and in any other appropriate manner, shall
40 consult and advise its governing board in matters of
41 higher education in which the faculty members may
42 have an interest.

43 Members of each advisory council shall serve with-
44 out compensation, but shall be entitled to reimburse-

45 ment for actual and necessary expenses incurred in
46 the performance of their official duties from funds
47 allocated to the state institution of higher education
48 served.

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

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

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

4 During the month of April of each even-numbered
5 year, each president or other administrative head of a
6 state institution of higher education, including
7 Potomac state college of West Virginia university and
8 West Virginia university at Parkersburg, at the direc-
9 tion of the councils and in accordance with procedures
10 established by the councils, shall convene a meeting or
11 otherwise institute a balloting process to elect one
12 classified employee to serve on the appropriate
13 governing board's advisory council of classified
14 employees, which shall consist of one classified
15 employee, so elected, from each such institution under
16 the appropriate governing board. Terms of the
17 members of such councils shall be for two years and
18 shall begin on the first day of July of each even-
19 numbered year, and members of the advisory councils
20 shall be eligible to succeed themselves. For the
21 purpose of this section the term "institution of higher
22 education" includes the facilities and staff supervised
23 by the senior administrator employed by the govern-
24 ing boards, who shall be deemed a part of the state
25 college system, and the West Virginia network for
26 telecomputing, who shall be deemed a part of the state
27 university system.

28 Each advisory council of classified employees shall
29 meet at least once each quarter. One of the quarterly
30 meetings shall be during the month of July, at which
31 meeting each council shall elect a chairman, who shall
32 be by virtue of the office a voting member of the
33 appropriate governing board: *Provided*, That the board
34 of directors' advisory council for classified employees'
35 chairman shall not be a member of the staff super-
36 vised by the central administrative official. No mem-
37 ber may vote by proxy at such election. In the event
38 of a tie in the last vote taken for such election, a
39 member authorized by the council shall select the
40 chairman by lot from the names of those persons tied.
41 Immediately following the election of a chairman,
42 each council shall elect, in the manner prescribed by
43 this section for the election of a chairman, a member
44 of the council to preside over meetings of the council
45 in the chairman's absence. Should the chairman
46 vacate the position, the council shall meet and elect a
47 new chairman to fill the unexpired term within thirty
48 days following such vacancy.

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

54 Members of each advisory council shall serve with-
55 out compensation, but shall be entitled to reimburse-
56 ment for actual and necessary expenses incurred in
57 the performance of their official duties from funds
58 allocated to the state institution of higher education
59 served.

60 Each governing board shall furnish secretarial
61 services to its advisory council of classified employees,
62 and each advisory council shall cause to be prepared
63 minutes of its meetings, which minutes shall be
64 available, upon request, to any classified employee of
65 a state institution of higher education represented on
66 the council. Such minutes shall be forwarded to the
67 advisory council of classified employees serving the
68 other governing board.

ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.

§18B-9-10. Higher education employees' catastrophic leave bank and leave transfer.

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

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

27 (c) A leave bank or banks may be established at each
28 state institution of higher education and the central
29 office to which employees may donate either sick or
30 annual leave. The bank or banks may be established
31 jointly by the central office and both governing
32 boards, may be established for the central office and
33 each of the governing boards, or may be established
34 for the central office and each institution of higher
35 education under either governing board. Sick or
36 annual leave may be deposited in the leave bank, and

37 such deposit shall be reflected as a day-for-day deduc-
38 tion from the sick or annual leave balance of the
39 depositing employee.

40 Such deposited leave may be withdrawn by any
41 employee experiencing a catastrophic illness or injury
42 as those terms are defined in subsection (b) of this
43 section upon appropriate verification that the
44 employee is unable to work due to the catastrophic
45 illness or injury as determined by the president of the
46 institution or senior administrator, approval of the
47 withdrawal by the president of the institution or
48 senior administrator, and written notice to the person-
49 nel office. The withdrawal shall be reflected as a day-
50 for-day addition to the leave balance of the withdraw-
51 ing employee.

52 (d) Sick or annual leave may be donated to any
53 employee experiencing a catastrophic illness or injury
54 as those terms are defined in subsection (b) of this
55 section. Such leave shall be donated at the request of
56 the employee upon appropriate verification that the
57 employee is unable to work due to the catastrophic
58 illness or injury as determined by the president of the
59 institution or senior administrator. Upon approval of
60 the transfer of sick or annual leave by the president of
61 the institution or senior administrator, any employee
62 may, upon written notice to the personnel office,
63 donate sick or annual leave in one-day increments.
64 Donations shall be reflected as a day-for-day deduction
65 from the sick or annual leave balance of the donating
66 employee. An employee receiving the transfer of sick
67 or annual leave shall have any time which is donated
68 credited to such employee's account in one-day incre-
69 ments and reflected as a day-for-day addition to the
70 leave balance of the receiving employee.

71 (e) Use of donated credits may not exceed a maxi-
72 mum of twelve continuous calendar months for any
73 one catastrophic illness or injury. The total amount of
74 sick or annual leave withdrawn or received may not
75 exceed an amount sufficient to insure the continuance
76 of regular compensation and shall not be used to
77 extend insurance coverage pursuant to section thir-

78 teen, article sixteen, chapter five of this code. An
79 employee withdrawing or receiving donations of sick
80 or annual leave pursuant to this section shall use any
81 leave personally accrued on a monthly basis prior to
82 receiving additional donated sick or annual leave.

83 (f) Transfer of sick or annual leave deposited in an
84 institutional leave bank or transferred under subsec-
85 tion (c) may be inter-institutional in accordance with
86 the policies of the appropriate governing board. Each
87 institution and the central office shall be responsible
88 for the administration of the sick or annual leave
89 deposits, withdrawals and transfers of its employees.
90 Rules implementing the provisions of this section may
91 be adopted jointly or separately by the governing
92 boards in accordance with article three-a, chapter
93 twenty-nine-a of this code.

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

Somer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Donald E. Kahan
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Neil Smithe
.....
President of the Senate

W. H. C. C.
.....
Speaker House of Delegates

The within *is approved* this the *18*
day of *April*, 1992.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/92

Time 3:25 PM