WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 584

(By Senator JACKSON, ET AL.)

PASSED March 9, 1996

In Effect From Passage
ENROLLED

Senate Bill No. 584

(BY SENATORS JACKSON, BLATNIK, FLYMALE, BOLEY, MINEAR, WAGNER, DUGAN, WHITE, BAILEY, OLIVERIO, SCHOONOVER, HELMICK, MILLER AND GRUBB)

[Passed March 9, 1996; in effect from passage.]

AN ACT to amend article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-a; and to amend and reenact section seventeen, article four, chapter eighteen-a of said code, all relating to personnel employed by the division of rehabilitation services.

Be it enacted by the Legislature of West Virginia:

That article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section two-a; and that section seventeen, article four, chapter eighteen-a of said code be amended and reenacted, all to read as follows:
CHAPTER 18. EDUCATION.

ARTICLE 10A. VOCATIONAL REHABILITATION.


Notwithstanding any other provision of this code to the contrary, beginning the first day of July, one thousand nine hundred ninety-six, rehabilitation teachers shall be paid at the equivalent rate of pay of teachers, pursuant to section two, article four of this chapter: Provided, That rehabilitation teachers shall be paid outside the public school support plan, defined in section one, article nine-a of this chapter, and shall receive the equivalent of the salary supplement paid to teachers employed by the county board within the county where the facility of the division is located, pursuant to section five-a, article four of this chapter: Provided, however, That any person who received an increase in salary, pursuant to section seventeen, article four, chapter eighteen-a of this code, prior to the first day of July, one thousand nine hundred ninety-six, shall continue to receive the increased salary level.

For purposes of this section, the following words shall be construed as follows:

(a) "Rehabilitation teacher" means any person employed by the division and who meets the certification requirements of section two-a, article three, chapter eighteen-a of this code, or who has been certified to teach by a state or nationally recognized organization, as approved by the office of the secretary of education and the arts. Such teachers shall maintain current certification in their teaching areas in order to remain employed. Such persons also shall teach only in the areas in which they are certified: Provided, That teachers who were employed on or before the first day of April, one thousand nine hundred ninety-five, shall be exempt from the following requirements: (1) Certification pursuant to section two-a, article three, chapter eighteen-a of this code; (2) maintenance of current certification in their
teaching areas in order to remain employed; and (3) teaching only in the areas in which they are certified.

(b) “Equivalent rate of pay” means an annualized rate based on a two hundred forty-day teaching schedule and includes pay for vacation and legal state holidays.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-17. Health and other facility employee salaries.

(a) The minimum salary scale for professional personnel and service personnel employed by the state department of education to provide education and support services to residents of state department of health and human resources facilities, corrections facilities providing services to juvenile and youthful offenders and in the West Virginia schools for the deaf and the blind shall be the same as set forth in sections two, three and eight-a of this article. Additionally, such personnel shall receive the equivalent of salary supplements paid to professional and service personnel employed by the county board of education in the county wherein each facility is located, as set forth in sections five-a and five-b of this article. Professional personnel and service personnel in these facilities who earn advanced classification of training after the effective date of this section shall be paid such advanced salary from the date such classification of training is earned. Such professional personnel shall be required to be certified, licensed or trained, and/or shall meet other eligibility classifications as may be required by the provisions of this chapter and by state board regulations for comparable instructional personnel who are employed by county boards of education, and shall be paid at the equivalent rate of pay of teachers as set forth in section two of this article, but outside the public support plan, plus the equivalent of the salary supplement paid to teachers employed by the county board of education in the county wherein each facility is located, as set forth in section five-a of this article.
(b) Professional personnel employed by the department to provide educational service to residents in state department of health and human resources facilities, corrections facilities providing services to juvenile and youthful offenders or in the West Virginia schools for the deaf and the blind shall be afforded all the rights, privileges and benefits established for such professional personnel under this article: Provided, That such benefits shall apply only within the facility at which employed: Provided, however, That benefits shall exclude salaries unless explicitly provided for under this or other sections of this article: Provided further, That seniority for such professional personnel shall be determined on the basis of the length of time that the employee has been professionally employed at the facility, regardless of which state agency was the actual employer.

(c) Nothing contained in this section shall be construed to mean that professional personnel and service personnel employed by the department of education to provide educational and support services to residents in state department of health and human resources facilities, corrections facilities providing services to juvenile and youthful offenders and the West Virginia schools for the deaf and the blind are other than state employees.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schomer
Chairman Senate Committee

Randy Seabert
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clara H. Holmes
Clerk of the Senate

Gregory M. Baug
Clerk of the House of Delegates

Earl Ray Tomlin
President of the Senate

Earl C. Colvin
Speaker House of Delegates

The within is approved this the 21st day of March, 1996.

D. Warren Caperton
Governor