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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 584

(By Senator JACKSON, ET AL)

PASSED MARCH 9, 1996  
In Effect FROM Passage

SB 584

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

**ENROLLED**

**Senate Bill No. 584**

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

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

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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.****§18-10A-2a. Rehabilitation teachers.**

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

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

20 (a) "Rehabilitation teacher" means any person em-  
21 ployed by the division and who meets the certification  
22 requirements of section two-a, article three, chapter  
23 eighteen-a of this code, or who has been certified to  
24 teach by a state or nationally recognized organization, as  
25 approved by the office of the secretary of education and  
26 the arts. Such teachers shall maintain current certifica-  
27 tion in their teaching areas in order to remain employed.  
28 Such persons also shall teach only in the areas in which  
29 they are certified: *Provided*, That teachers who were  
30 employed on or before the first day of April, one thou-  
31 sand nine hundred ninety-five, shall be exempt from the  
32 following requirements: (1) Certification pursuant to  
33 section two-a, article three, chapter eighteen-a of this  
34 code; (2) maintenance of current certification in their

35 teaching areas in order to remain employed; and (3)  
36 teaching only in the areas in which they are certified.

37 (b) "Equivalent rate of pay" means an annualized rate  
38 based on a two hundred forty-day teaching schedule and  
39 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.**

1 (a) The minimum salary scale for professional person-  
2 nel and service personnel employed by the state depart-  
3 ment of education to provide education and support  
4 services to residents of state department of health and  
5 human resources facilities, corrections facilities provid-  
6 ing services to juvenile and youthful offenders and in the  
7 West Virginia schools for the deaf and the blind shall be  
8 the same as set forth in sections two, three and eight-a of  
9 this article. Additionally, such personnel shall receive  
10 the equivalent of salary supplements paid to professional  
11 and service personnel employed by the county board of  
12 education in the county wherein each facility is located,  
13 as set forth in sections five-a and five-b of this article.  
14 Professional personnel and service personnel in these  
15 facilities who earn advanced classification of training  
16 after the effective date of this section shall be paid such  
17 advanced salary from the date such classification of  
18 training is earned. Such professional personnel shall be  
19 required to be certified, licensed or trained, and/or shall  
20 meet other eligibility classifications as may be required  
21 by the provisions of this chapter and by state board  
22 regulations for comparable instructional personnel who  
23 are employed by county boards of education, and shall  
24 be paid at the equivalent rate of pay of teachers as set  
25 forth in section two of this article, but outside the public  
26 support plan, plus the equivalent of the salary supple-  
27 ment paid to teachers employed by the county board of  
28 education in the county wherein each facility is located,  
29 as set forth in section five-a of this article.

30 (b) Professional personnel employed by the department  
31 to provide educational service to residents in state  
32 department of health and human resources facilities,  
33 corrections facilities providing services to juvenile and  
34 youthful offenders or in the West Virginia schools for the  
35 deaf and the blind shall be afforded all the rights,  
36 privileges and benefits established for such professional  
37 personnel under this article: *Provided*, That such  
38 benefits shall apply only within the facility at which  
39 employed: *Provided, however*, That benefits shall  
40 exclude salaries unless explicitly provided for under this  
41 or other sections of this article: *Provided further*, That  
42 seniority for such professional personnel shall be deter-  
43 mined on the basis of the length of time that the em-  
44 ployee has been professionally employed at the facility,  
45 regardless of which state agency was the actual em-  
46 ployer.

47 (c) Nothing contained in this section shall be construed  
48 to mean that professional personnel and service person-  
49 nel employed by the department of education to provide  
50 educational and support services to residents in state  
51 department of health and human resources facilities,  
52 corrections facilities providing services to juvenile and  
53 youthful offenders and the West Virginia schools for the  
54 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 Schomover*  
.....  
Chairman Senate Committee

*Rudy Seavitt*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Carroll Adams*  
.....  
Clerk of the Senate

*Gregory M. Baum*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Paul E. Cuffe*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *21<sup>st</sup>* .....  
day of *March* ....., 1996.

*Gaston Caputo*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/96

Time 3:25 pm