WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 3025
(By Mr. Delegates Houston, Susman, Willis, Sparks, Armstead, Harrison and Fletcher)

Passed March 12, 1999

In Effect July 1, 1999
ENROLLED

H. B. 3025

(BY DELEGATES HOUSTON, SUSMAN, WILLIS, SPARKS, ARMSTEAD, HARRISON AND FLETCHER)

[Passed March 12, 1999; in effect July 1, 1999.]

AN ACT to amend article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-c; and to amend and reenact section four, article five of said chapter, all relating to increasing compensation for county school board members; allowing county boards of education to establish certain personal leave banks; definition of care giver; and rules adopted by the county board.

Be it enacted by the Legislature of West Virginia:

That section four, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted; and that article four, chapter eighteen-a be amended by adding thereto a new section, designated section ten-c, to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-4. Meetings; employment and assignment of teachers; budget hearing; compensation of members; affiliation with state and national associations.
The board shall meet on the first Monday of January, except that in the year one thousand nine hundred eighty-two, and every year thereafter, the board shall meet on the first Monday of July, and upon the dates provided by law for the laying of levies, and at such other times as the board may fix upon its records. At any meeting as authorized above and in compliance with the provisions of article four of this chapter, the board may employ such qualified teachers, or those who will qualify by the time of entering upon their duties, necessary to fill existing or anticipated vacancies for the current or next ensuing school year. At a meeting of the board, on or before the first Monday of May, the superintendent shall furnish in writing to the board a list of those teachers to be considered for transfer and subsequent assignment for the next ensuing school year; all other teachers not so listed shall be considered as reassigned to the positions held at the time of this meeting. Such list of those recommended for transfer shall be included in the minute record and the teachers so listed shall be notified in writing, which notice shall be delivered in writing, by certified mail, return receipt requested, to such teachers’ last-known addresses within ten days following said board meeting, of their having been so recommended for transfer and subsequent assignment.

Special meetings may be called by the president or any three members, but no business shall be transacted other than that designated in the call.

In addition, a public hearing shall be held concerning the preliminary operating budget for the next fiscal year not less than ten days after such budget has been made available to the public for inspection and within a reasonable time prior to the submission of said budget to the state board for approval and at such hearing reasonable time shall be granted to any person or persons who wish to speak regarding parts or all of such budget. Notice of such hearing shall be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

A majority of the members shall constitute the quorum necessary for the transaction of official business.
Board members may receive compensation at a rate not to exceed one hundred dollars per meeting attended. But they shall not receive pay for more than sixty meetings in any one fiscal year.

Members shall also be paid, upon the presentation of an itemized sworn statement, for all necessary traveling expenses, including all authorized meetings, incurred on official business, at the order of the board.

When, by a majority vote of its members, a county board deems it a matter of public interest, such board may join the West Virginia school board association and the national school board association, and may pay such dues as may be prescribed by said associations and approved by action of the respective county boards. Membership dues and actual traveling expenses of board members for attending meetings of the West Virginia school board association may be paid by their respective county boards out of funds available to meet actual expenses of the members, but no allowance shall be made except upon sworn itemized statements.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-10c. Personal leave banks for care givers.

(a) For the purposes of this section, “care giver” means any employee of a county board of education who is a spouse, child or parent of any employee who meets the following qualifications:

(1) He or she is an employee of the same county board of education as the care giver; and

(2) He or she currently is eligible to receive benefits from the personal leave bank established in section ten of this article.

(b) A county board of education may establish a personal leave bank for care givers which is separate from any personal leave bank as defined in section ten of this article. The personal leave bank shall be operated pursuant to rules adopted by the county board which shall include, but not be limited to the following:
An employee may contribute no more than two days of personal leave per school year;

The bank shall be established either jointly or separately for both professional personnel and school service personnel and shall be available to all school personnel;

(3) The rules may limit the maximum number of days used by a care giver;

(4) The rules shall require that leave bank days be used only by a care giver who is absent from work during the same time period as the absent employee for whom care is being provided;

and

(5) The rules shall require that the care giver is an active employee with less than five days accumulated personal leave.

d) The use of such days by the care giver for the extension of insurance coverage pursuant to section twelve, article sixteen, chapter five of this code is prohibited.

e) Contributions shall reduce, to the extent of the contribution, the number of personal leave days to which a contributing employee is entitled by section ten of this article: Provided, That the employee’s contribution may not reduce the number of entitled personal leave days without cause.

(f) No employee may be compelled to contribute to a personal leave bank.
That 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 July 1, 1999.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 25th day of March, 1999.

Governor