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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999

ENROLLED

House Bill No. 2612

(By Delegates Hubbard and Jenkins)

Passed March 11, 1999

In Effect from Passage

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STATE OF WEST VIRGINIA

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H. B. 2612

(BY DELEGATES HUBBARD AND JENKINS)

[Passed March 11, 1999; in effect from passage.]

AN ACT to amend article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-d, relating to personal leave for school personnel and providing that a surviving spouse may use the personal leave of his or her spouse under certain circumstances.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-10d. Use of personal leave days by surviving spouse in certain circumstances.

- 1 (a) For the purposes of this section, the following terms
- 2 have the following meanings:
- 3 (1) "Surviving spouse" means an employee of a county
- 4 board whose spouse was also employed by the same county
- 5 board at the time of his or her death; and

6 (2) "Deceased spouse" means a person who, at the time of
7 his or her death, was employed by the same board of education
8 as his or her spouse.

9 (b) Beginning the first day of January, one thousand nine
10 hundred ninety-nine, a county board of education may credit a
11 surviving spouse with any or all personal leave days to which
12 the deceased spouse was entitled at the time of the death of the
13 deceased spouse.

14 (c) The provisions of this section only shall apply if all the
15 following conditions are met:

16 (1) Both spouses were employed by the same county board
17 of education at the time of the death of the deceased spouse;

18 (2) The deceased spouse had unused personal leave days
19 which he or she was entitled to use;

20 (3) The surviving spouse is an active employee with less
21 than five days accumulated personal leave;

22 (4) The death of the deceased spouse was by accident;

23 (5) It is determined by the county board, on evidence
24 provided by a licensed physician, that the surviving spouse is
25 physically disabled to work at the position held by the surviving
26 spouse; and

27 (6) It is determined by the county board that the cause of
28 the disability to the surviving spouse arose from the same
29 accident that resulted in the death of the deceased spouse.

30 (d) The county board periodically shall review the status of
31 the surviving spouse and, upon a determination of the county
32 board that the surviving spouse is able to work at his or her
33 assigned position, any personal leave days credited to the
34 surviving spouse pursuant to the terms of this section shall be
35 extinguished.

36 (e) Personal leave days credited to the surviving spouse
37 pursuant to this section may be used only for the purposes of
38 this section and may not be used for any other purpose, includ-
39 ing, but not limited to, the enhancement of retirement or health
40 insurance benefits.

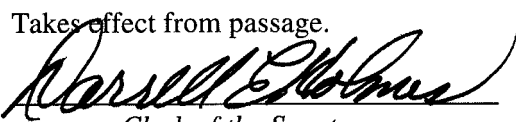
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

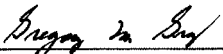

Chairman Senate Committee

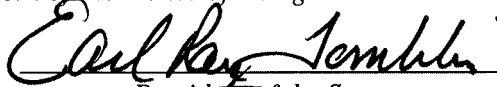

Chairman House Committee

Originating in the House.

Takes effect from passage.

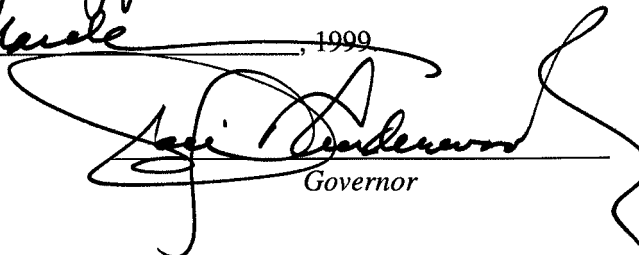

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 24th
day of March, 1999


Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/99

Time 10:09 am