

HB 3025

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STATE HOUSE

# 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

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# H. B. 3025

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

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

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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.**

1       The board shall meet on the first Monday of January,  
2 except that in the year one thousand nine hundred eighty-two,  
3 and every year thereafter, the board shall meet on the first  
4 Monday of July, and upon the dates provided by law for the  
5 laying of levies, and at such other times as the board may fix  
6 upon its records. At any meeting as authorized above and in  
7 compliance with the provisions of article four of this chapter,  
8 the board may employ such qualified teachers, or those who  
9 will qualify by the time of entering upon their duties, necessary  
10 to fill existing or anticipated vacancies for the current or next  
11 ensuing school year. At a meeting of the board, on or before the  
12 first Monday of May, the superintendent shall furnish in writing  
13 to the board a list of those teachers to be considered for transfer  
14 and subsequent assignment for the next ensuing school year; all  
15 other teachers not so listed shall be considered as reassigned to  
16 the positions held at the time of this meeting. Such list of those  
17 recommended for transfer shall be included in the minute  
18 record and the teachers so listed shall be notified in writing,  
19 which notice shall be delivered in writing, by certified mail,  
20 return receipt requested, to such teachers' last-known addresses  
21 within ten days following said board meeting, of their having  
22 been so recommended for transfer and subsequent assignment.

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

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

36       A majority of the members shall constitute the quorum  
37 necessary for the transaction of official business.

38 Board members may receive compensation at a rate not to  
39 exceed one hundred dollars per meeting attended. But they shall  
40 not receive pay for more than sixty meetings in any one fiscal  
41 year.

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

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

#### **CHAPTER 18A. SCHOOL PERSONNEL.**

##### **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

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

1 (a) For the purposes of this section, “care giver” means any  
2 employee of a county board of education who is a spouse, child  
3 or parent of any employee who meets the following qualifica-  
4 tions:

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

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

9 (b) A county board of education may establish a personal  
10 leave bank for care givers which is separate from any personal  
11 leave bank as defined in section ten of this article. The personal  
12 leave bank shall be operated pursuant to rules adopted by the  
13 county board which shall include, but not be limited to the  
14 following:

15       (1) An employee may contribute no more than two days of  
16 personal leave per school year;

17       (2) The bank shall be established either jointly or separately  
18 for both professional personnel and school service personnel  
19 and shall be available to all school personnel;

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

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

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

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

31       (e) Contributions shall reduce, to the extent of the contribu-  
32 tion, the number of personal leave days to which a contributing  
33 employee is entitled by section ten of this article: *Provided,*  
34 That the employee's contribution may not reduce the number of  
35 entitled personal leave days without cause.

36       (f) No employee may be compelled to contribute to a  
37 personal leave bank.

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

*Paul Scherover*  
Chairman Senate Committee

*Joe F. Smith*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1999.

*Darrell Parks*  
Clerk of the Senate

*Dwight D. Day*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*John W. Row*  
Speaker of the House of Delegates

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

*Jeff D. Underwood*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 4:03pm