

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5056

By Delegates Toney, Statler, Burkhammer and

Ellington

[Introduced January 23, 2024; Referred
to the Committee on Education]

1 A BILL to amend and reenact §18A-4-8h of the Code of West Virginia, 1931, as amended, relating
2 to allowing for service personnel to serve as substitute workers under certain conditions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

**§18A-4-8h. Limitation on number of school service personnel positions to be held by an
employee.**

1 (a) Upon the effective date of this section, no school service personnel shall be permitted
2 to become employed in more than one regular full-day position, nor more than two one-half day
3 positions at the same time: *Provided*, That nothing herein shall be construed to prohibit a school
4 service personnel from holding an extracurricular assignment or assignments, as provided in
5 section sixteen of this article, or summer positions, as provided in section thirty-nine, article five,
6 chapter eighteen of this code, nor from performing extra-duty assignments, as provided in section
7 eight-b of this article, in addition to his or her regular position.

8 (b) Due to the shortages of substitutes in service personnel positions, a service personnel
9 may substitute on a day-to-day basis in a position outside of their regular full-time position:

10 *Provided*, That a service personnel may not substitute in another position if:

11 (a) A qualified substitute is available to fill the shift;

12 (b) The shift interferes with their regular duties and or responsibilities; and

13 (c) The service personnel assuming the shift is not properly certified and trained for that
14 position.

NOTE: The purpose of this bill is to allow for service personnel to serve as substitute workers under certain conditions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.