

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3266**

BY DELEGATE STATLER

[Introduced March 16, 2021; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating  
2 to allowing teachers and service personnel to apply for, and contract for, extracurricular  
3 assignments after retirement.

*Be it enacted by the Legislature of West Virginia:*

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

##### **§18A-4-16. Extracurricular assignments.**

1 (1) The assignment of teachers and service personnel to extracurricular assignments shall  
2 be made only by mutual agreement of the employee and the superintendent, or designated  
3 representative, subject to board approval. Extracurricular duties shall mean, but not be limited to,  
4 any activities that occur at times other than regularly scheduled working hours, which include the  
5 instructing, coaching, chaperoning, escorting, providing support services or caring for the needs  
6 of students, and which occur on a regularly scheduled basis: *Provided*, That all school service  
7 personnel assignments shall be considered extracurricular assignments, except such  
8 assignments as are considered either regular positions, as provided by section eight of this article,  
9 or extra-duty assignments, as provided by section eight-b of this article.

10 (2) The employee and the superintendent, or a designated representative, subject to board  
11 approval, shall mutually agree upon the maximum number of hours of extracurricular assignment  
12 in each school year for each extracurricular assignment.

13 (3) The terms and conditions of the agreement between the employee and the board shall  
14 be in writing and signed by both parties.

15 (4) An employee's contract of employment shall be separate from the extracurricular  
16 assignment agreement provided for in this section and shall not be conditioned upon the  
17 employee's acceptance or continuance of any extracurricular assignment proposed by the  
18 superintendent, a designated representative, or the board.

19 (5) The board shall fill extracurricular school service personnel assignments and  
20 vacancies in accordance with section eight-b of this article: *Provided*, That an alternative

21 procedure for making extracurricular school service personnel assignments within a particular  
22 classification category of employment may be utilized if the alternative procedure is approved  
23 both by the county board and by an affirmative vote of two thirds of the employees within that  
24 classification category of employment.

25 (6) An employee who was employed in any service personnel extracurricular assignment  
26 during the previous school year shall have the option of retaining the assignment if it continues to  
27 exist in any succeeding school year. A county board of education may terminate any school  
28 service personnel extracurricular assignment for lack of need pursuant to section seven, article  
29 two of this chapter. If an extracurricular contract has been terminated and is reestablished in any  
30 succeeding school year, it shall be offered to the employee who held the assignment at the time  
31 of its termination. If the employee declines the assignment, the extracurricular assignment shall  
32 be posted and filled pursuant to section eight-b of this article.

33 (7) An extracurricular contract shall terminate when an employee retires: *Provided, That*  
34 teachers and service personnel with extracurricular assignments contracts prior to retirement may  
35 apply for extracurricular assignments after retirement and may be employed in the same manner  
36 as for the original employment for an extracurricular assignments contract.

NOTE: The purpose of this bill is to allow teachers and service personnel apply for, and contract for, extracurricular assignments after retirement.

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