

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 638

By Senators Grady, Swope, Rucker, Jeffries,

Clements, and Maroney

[Originating in the Committee on Education; reported

on February 21, 2023]

1 A BILL to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended,
2 relating to requiring county boards of education to pay their employees, for the purpose of
3 reducing absenteeism, a bonus at the end of an employment term for each of up to 10
4 unused days of personal leave accumulated by the employee; making receipt of bonus
5 optional to employee; making number of days employee receives bonus for at the
6 discretion of the employee; stating amount of bonus; stating all employees are eligible for
7 the bonus; providing that days for which employee receives bonus are lost to the employee
8 and cannot be converted into extended insurance coverage or increased retirement
9 benefits; and prohibiting bonus from being counted as final average salary for the purpose
10 of calculating retirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-10a. Bonus for unused days of personal leave.

1 County boards of education ~~are authorized to~~ shall pay to their employees, including both
2 professional and service employees, or to defined groups thereof for the purpose of reducing
3 absenteeism, a bonus at the end of an employment term for each of up to 10 unused day days of
4 personal leave accumulated by the employee, ~~during that employment term~~ subject to the
5 following:

6 (1) Receiving the bonus is optional to the employee;

7 (2) The number of days up to 10 an employee receives payment for is at the discretion of
8 the employee;

9 (3) The bonus per day shall be equal to the average daily rate of a substitute in that position
10 in that school district;

11 (4) All county board employees are eligible for this bonus regardless of when the
12 employees were hired; began participating in the plan, as that term is defined in §5-16-2 of this
13 code; or first became a member of the Teachers Retirement System, pursuant to §18-7A-1 et seq.

14 of this code;

15 (5) Any days that an employee receives the bonus for, pursuant to this section, are lost to
16 the employee and shall be deducted from his or her total accumulated unused leave;

17 (6) Any days that an employee receives the bonus for, pursuant to this section, may not be
18 converted into extended insurance coverage or increased retirement benefits, pursuant to §5-16-
19 13 of this code; and

20 (7) This bonus may not be counted as part of the final average salary for the purpose of
21 calculating retirement.