

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 3266

BY DELEGATE STATLER

[Originating in the Committee on Education;

March 22, 2021]

1 A BILL to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating
2 to the termination of extracurricular contracts upon retirement; providing effective date; not
3 prohibiting post-retirement employment with county board consistent with rules of
4 consolidated public retirement board.

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) Effective with the retirement of an employee on or after July 1, 2021, any extracurricular
34 contract of the employee shall terminate when an employee retires. Nothing prohibits a retired
35 employee from applying for and, if they are the successful applicant, becoming employed in an
36 extracurricular assignment or other position with the county board consistent with the rules for the
37 employment of retirees established by the consolidated public retirement board.

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