WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2137

By Delegates Toney, Statler, Hornbuckle, Dillon, Longanacre and Hanshaw (Mr. Speaker)

[Introduced January 11, 2023; Referred to the Committee on Education then Finance

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-10b, relating to providing an optional lump sum payment of accrued personal leave to full-time employees of a county school board upon termination of full-time employment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-10b. Optional payment to employee in lump sum amount for accrued and unused leave at termination of employment; no withholding of any employee contribution deduction; exception.

Every full-time employee of a county board, at the time his or her active employment ends due to resignation, death, retirement or otherwise, may be paid in a lump sum amount, at the option of the employee or, if due to the death of the employee, the personal representative of the estate of the employee, for accrued and unused personal leave at the employee's usual rate of pay at the time the employment ends. The lump sum payment shall be made by the time of what would have been the employee's next regular payday had his or her employment continued. In determining the amount of leave entitlement, weekends, holidays or other periods of normal, noncountable time shall be excluded, and no deductions may be made for contributions toward retirement from lump sum payments for unused, accrued leave of any kind or character, since no period of service credit is granted in relation thereto; however, lump sum payment for unused, accrued leave of any kind or character may not be a part of final average salary computation.

NOTE: The purpose of this bill is to provide an optional lump sum payment of accrued personal leave to full-time employees of a county school board upon termination of full-time employment.

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