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]

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

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

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

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

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

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

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

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

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