



March 13, 2009

WVSSPA

LEGISLATIVE UPDATE



2009 Legislative Session - At the Half-Way Point

If misery loves company, then we have a lot of company at the legislature this year. In perhaps one of the worst legislative sessions in recent memory, WVSSPA lobbyists face a daily attack on school service personnel employment rights and benefits. Long-time observers at the capitol have remarked on more than one occasion that they have never seen such a hostile environment for those of us who advocate for education employees. Whether it is employment rights, school calendar, retirement or PEIA, we are constantly on the defensive and it will take our collective effort as an organization to maintain what we have. Here then is a mid-session report on the legislative session:



Classification/Salary increments, HB 2620: WVSSPA's bill has passed out of the House Education Committee and is now awaiting action in the House Finance Committee. The bill includes:

- ◆ Upgrades "Cafeteria Manager" from pay grade "D" to "E"
- ◆ Creates a "Bus Operator II" for drivers with 20 years of service at pay grade "E"
- ◆ Provides salary increments for mechanics with ASE certification
- ◆ Creates a new service personnel classification of "Information Technology Specialist" at pay grade "G"



PEIA: WVSSPA has identified the necessary funds to offset the 9% July 1, 2009 premium increase so that our members will not see an increase in their health care costs. As WVSSPA testified during the November public hearings, the legislature should provide relief to our members, many of whom qualify for federal programs and/or have to work two jobs to make ends meet. If we are successful, the additional funds will be part of the budget bill, HB 2010/SB 150.



Teachers Retirement System, HB 2870: Many of you who chose to transfer from the "New" pension plan (Defined Contribution Plan) back to the "Old" pension plan (Defined Benefit Plan) have not received your actual buyback amount. In fact, over 8000 people have received notices of a "projected" buyback amount. WVSSPA finds this situation unacceptable. We have worked with AFT-WV to craft legislation to extend the buyback window for six months until December 31, 2009. This bill was passed out of the House Pensions Committee after WVSSPA Executive Director, Bob Brown, spoke about the need for this legislation. The House Finance Committee will hold a public hearing on this bill on March 19th.



Tire Chains for School Buses, HB 2849: This passed House Education and is in House Finance. The bill requires automatic tire chains as standard equipment on all new school buses. This is identical to the bill that passed last year but was vetoed by the Governor.



Extra Pay for Itinerant Positions, HB 2271: WVSSPA crafted this legislation to provide one-eighth extra pay for service personnel who hold a position that has been posted as “itinerant.” It is our belief that some County Boards are using “itinerant” status to circumvent the transfer rights afforded to service personnel.



Salary: We have been told by the Governor and the State Senate that salary increases are out of the question given the state of the economy. At the beginning of the session, we thought we were gaining some traction as we provided sources of revenue to fund a salary increase. However, the announcement that the Governor is reducing his revenue estimate, thereby reducing the amount of available dollars, makes our task that much more difficult - if not impossible.



School Calendar, SB 249: WVSSPA has worked diligently to ensure that any changes to the school calendar will not have a negative impact on school employees. The current bill is much, much better than the Governor’s original proposal. Our primary concern is to preserve the 43 week period within which the school year can be scheduled and to ensure that any “make-up” days outside the 200 day employment contract are paid days.

Had it not been for our efforts, school employees would be looking at working more days without additional pay. As it now stands, SB 249, the committee substitute for the Governor’s school calendar bill, looks like this:

- ◆ Eliminates beginning (August 26th) or ending date (June 8th) in code;
- ◆ First semester will end by December 23rd or earlier;
- ◆ School Service employees contract will remain within a 43 week window;
- ◆ However – The State Superintendent of Schools may approve up to 7 additional non-paid out-of-calendar days between first and second semester ("the holiday recess") that are not included in the 43 week window; so, the 43 week window may become 43 weeks plus 7 days;
- ◆ Counties shall extend the 200 day contract for school employees in order for counties to reach the 180 instructional day requirement ***provided the employees are paid their daily rate for each day over the 200 day contract;***
- ◆ However, if a county needs to extend the 200 day contract, the board of education pays 50% of the cost of salary and benefits for all employees while the other 50% will be paid by the state. If a county needs to extend the 200 day contract beyond the 43 week window, the county must be granted a waiver by the State Superintendent of Schools. The 43 week window may not be exceeded by more than 7 days.
- ◆ Snow days continue to be paid contractual days.
- ◆ ISE days remain in the calendar. However, if schools need to use the 3 ISE days now scheduled for February, April and June, they may be used for student instruction. However, 2 hours of faculty senate will be allotted during any instructional day during the month in which the ISE day was originally scheduled.



PEIA Retirees, HB 2959: This bill terminates retirees' health insurance subsidy for all employees hired after January 1, 2010. Employees hired after this date will have to pay 100% of their premium as opposed to the current level of 30%. This is a horrible piece of legislation as it effectively kills retiree health insurance for those hired after January 1, 2010. This bill will make it even harder for us to recruit and retain education employees.



Work Rules, HB 3006/SB 511: This bill seeks to put into code the recommendations adopted by the Governor's 21st Century Jobs Cabinet. While most of the proposals attack teacher employment rights, it is important to remember that if this bill passes, then it will not be too long before school service employees personnel rights are under attack as well. The bill impacts school service personnel by:

- ◆ Changing the date from the first Monday in April to April 1st when the employee shall be notified in writing by the superintendent that they are being considered for transfer or to be transferred.
- ◆ Changing the hearing on proposed transfer from the first Monday in May to April 20th. Final action by the board will be taken by May 1 of the current year.
- ◆ Changing the date by which the superintendent will furnish in writing to the board a list of employees to be considered for transfer and subsequent assignment for the next ensuing school year is changed from the first Monday in May to May 1st.



HB 2085: This bill would encourage County Boards of Education to use public transit buses to transport students to and from school. WVSSPA believes that this is a first step in privatizing bus services. ***WVSSPA opposes this bill.***



Another draft bill that is floating around the Capitol would prohibit service personnel from transferring to a new position during the instructional term. This bill was written by County Superintendents. ***WVSSPA will oppose*** this bill when it is officially introduced.



***WVSSPA is
working for YOU!***

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