

West Virginia School Service Personnel Association 2022 Legislative Update 3/4/2022



We have a little over a week left in this Legislative Session. It appears the 5% pay raise is still on track to pass. Remember this is not a true 5%, but will provide \$122 increase each month for service personnel. HJR 102 has completed the Legislative process and is awaiting the Governor's signature. This bill gives complete control of the State Board of Education to the Legislature. There are still many pieces of Legislation that we are watching, they are listed in the following pages.

This Legislative Session will end on:

Sixtieth Day - March 12, 2022: Adjournment at Midnight.

(WV Const. Art. VI, §22)



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Presented by Joe White, WVSSPA Executive Director**



Active Legislation:

- ⇒ **HB 4467**-The purpose of this bill was to provide additional classroom social/emotional and academic support for first and second grade pupils by requiring an early childhood classroom assistant teacher in first and second grade classrooms that have more than 12 pupils. It was amended in House Finance. It has become a pilot project where ECCATS will be placed in 300 first grade classrooms chosen by the State Superintendent. **This bill has passed House and assigned to Senate Education. (Speaker Hanshaw)**
- ⇒ **HB 4580**-The purpose of this bill is to allow for the reemployment of retired bus operators, cooks and aides. It has been amended to only include bus operators. This would classify them as critical need and allow them to substitute without penalty to their retirement. **This bill has passed House and assigned to Senate Education. (Delegate Graves)**
- ⇒ **SB 230**-The purpose of this bill is to require a notarized grievance form and outline the grievance motion to dismiss procedure. This would also provide for the payment of attorney’s fees up to \$1000 if the ALJ found the grievance was frivolous or malicious. This would prohibit a grievance if the event is related to a declared state of emergency. In addition the Department of Personnel cannot be named in a grievance, this would affect our Highways members. **The bill has passed Senate, has been sent to the House of Delegates and is pending in House Judiciary (Senator Rucker)**
- ⇒ **HB 4071**-The purpose of this bill is to prohibit schools, educational institutions, and elected or appointed local officials from making mandates concerning masks, COVID-19 testing and quarantining under certain circumstances for school students or school employees. **This bill has passed the House and has been communicated to the Senate. (Delegate Maynor)**
- ⇒ **HB 4105**- A service employee who is certified as a Director or Supervisor of Pupil Transportation by the NAPT is eligible for any professional employee position involving supervision of a county transportation department and must be considered by the BOE for a Director or Supervisor position. In addition all new persons employed as a director, assistant director or coordinator of transportation shall have at least five years of experience working in the transportation department of a county board or meet or obtain qualifications as a school bus operator within one year of employment. **This Bill was amended slightly on third reading and passed by House, sent to the Senate and assigned to the Senate Education Committee. (Delegate Toney)**
- ⇒ **SB 531**-Increasing annual salaries of certain state employees. This legislation provides for a 5% pay increase for all state employees with a Pay Scale in WV state code. This includes service personnel, they will receive \$122.00 a month. Similar to recent pay increases the 5% is based on a low average of service personnel salaries. This bill does not mention the one time bonus the Governor spoke about during the state of the state address. **This bill has passed the Senate, reported to the House and is on second reading in the House of Delegates. (Governor Justice)**
- ⇒ **SB 146**-The purpose of this bill is to require entities and parties to uphold and apply the Superintendent of Schools’ interpretation of school law and State Board of Education rules. This legislation will require the Grievance Board to give “significant deference” to the interpretation given by the State Superintendent when deciding a grievance. This will force many cases to the circuit court or Intermediate Court of Appeals to overturn the interpretation given by the State Superintendent. **This bill has passed the Senate, reported to the House and assigned to House Judiciary . (Senator Weld)**



Active Legislation Continued:

- ⇒ **SB 509**-The purpose of this bill is to provide that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period instead of being accrued at the beginning of the employment term. This bill was amended to allow a County Superintendent to front a first year employee leave in the event of a catastrophic event. **This bill has passed the Senate, reported to the House and assigned to House Education. (Senator Rucker)**
- ⇒ **HB 4562**-The purpose of this bill is to clarify the process of the suspension and dismissal of school personnel by board and the appeals process. This Legislation simply codifies the suspension and administrative leave process that is currently used in the school system. **This has passed House, passed Senate Education and is on second reading in the Senate. (Delegate Kessinger)**
- ⇒ **SB 261**-The purpose of this bill is to clarify procedures for cameras in special education classrooms. This bill would require an administrator to review at least 15 minutes of video every 90 days, video footage must be kept for a calendar year, video footage does not have to be deleted, and video footage must be made available within 7 days when requested by DHHR or law enforcement. **This has passed the Senate and House Education, is now pending in House Finance. (Senator Nelson)**
- ⇒ **HB 4380**-This bill increases the number of ten-passenger vehicles which may be used for any school-sponsored activity and clarifying that busses shall be used to transport nineteen or more passengers. If passed this legislation could take extra duty runs from bus operators by allowing professional school employees to drive two vehicles with up to 9 students in each vehicle. This was amended to allow service personnel to drive the vans. It also allows parents/guardians to transport students with signed permission. **This has passed the House and is on third reading in the Senate. (Delegate Barrett)**
- ⇒ **HB 4829**-This legislation clarifies and codifies job duties of school cafeteria personnel. **This Bill was passed by House, sent to the Senate and assigned to the Senate Education Committee. (Delegate Toney)**

Completed Legislation:

- ⇒ **HJR 102**-Any policy or rule made by the State Board of Education would be subject to legislative review, approval, amendment or rejection. This bill was amended to remove the language pertaining to original appointments of the State board of Education members. If signed by the Governor this would be placed on the ballot in the next General Election. **This bill has completed the legislative process and is waiting on the Governor's signature. (Delegate Espinosa)**

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