



West Virginia School Service Personnel Association



LEGISLATIVE UPDATE

March 12, 2007- FINAL

WVSSPA Enjoys a Successful Legislative Session

This was a very, very successful legislative session for school service personnel. We turned a one time 2.5% bonus into a permanent 3.5% pay raise. We were able to get major reform for the grievance procedure, we were able to get protections for PEIA retirees, and we were able to make substantial changes to our work rules.

This is the first time since 1981 that service personnel got the same raise as teachers. This is also the first time anyone can remember that the legislature increased a Governor's pay raise proposal. Many thanks to the new leadership team in the House who took the lead on our pay bill.

We clearly did not get everything we wanted. But you have to understand this process and know when the best deal is on the table, and then you have to know when to take it and run. We will go back next year to seek more improvements for our members, but all things considered, this was a pretty good year for service personnel. Thank you for your support and activism during this legislative session. You made a difference.

House Bill No. 2777 - Pay Raise Bill: This bill

- ✓ provides a 3.5% pay raise to all service personnel;
- ✓ creates a new service personnel class title for "Licensed Practical Nurse"; and provides that hiring of LPNs shall not result in the layoff of currently employed aides;
- ✓ increases "Autism Mentor" from pay grade "E" to "F";
- ✓ increases "Sanitation Plant Operator" from pay grade "F" to "G."

HB 2189 - Service Personnel Omnibus Bill: This bill

- ✓ strengthens guidelines for using charter buses to transport students, making it much more difficult for counties to "contract out" our jobs;
- ✓ requires vehicles used to transport students meet school bus or public transit ratings;
- ✓ prohibits the transportation of students in 15 passenger vans;
- ✓ requires county boards to provide 12 hours of training to teachers' aides;
- ✓ requires county boards to pay half of the cost for autism mentor certification;
- ✓ adds "Licensed Practical Nurse" definition to service personnel class titles;
- ✓ provides that the beginning of the work day for bus operators and transportation aides must start at a county owned facility unless the employee agrees otherwise;
- ✓ requires county board to post service personnel job vacancies on web site and notify applicants of status of their application;
- ✓ allows service personnel to vote whether to give priority to service personnel in schools to be merged or consolidated when filling positions in the new school or newly created positions in existing schools;
- ✓ clarifies substitute seniority by allowing substitute school service personnel to accrue substitute seniority, but not regular service personnel seniority or regular employee bidding rights while employed as a substitute;
- ✓ requires each county board to establish a personal leave bank for employees and provides conditions for donation and use of leave;
- ✓ allows transfer of accrued personal leave between employees in cases of catastrophic medical emergencies; and
- ✓ limits transfer by autism mentors or aides serving autistic students after the 5th day prior to the beginning of each semester.

SB 129 - PEIA: This bill

- ✓ contains many important provisions including WVSSPA's "hold harmless" language for Medicare eligible retirees.
- ✓ ensures that PEIA will maintain medical and prescription coverage for Medicare eligible retired employees;
- ✓ provides that if a Medicare/Advantage Prescription Drug Plan (MAPD) should fail, then PEIA will take all Medicare eligible retired employees back into the existing PEIA plan or provide another plan of equal or better coverage;
- ✓ maintains the 80/20 premium split for the state and the employee and clarifies that the future liability will not be included in the employee's share of the 80/20 split. This provision should help stop cost-shifting from the employer to the employee.
- ✓ In addition, the bill contains the following provisions: county board of education employees who are expected to serve as long-term substitutes for more than 90 consecutive days will qualify for PEIA coverage. The posting must specify that the position is for 90 days or more; long-term substitutes who work continuously for 133 days and continue through the end of the instructional term will qualify for PEIA over the summer months.

SB 599 - Early Notification of Retirement: This bill

- ✓ authorizes county boards of education to pay \$500.00 (five hundred dollars) from county funds to any service employee who gives notification of retirement prior to February 1 of a given year. Several counties were already doing this, but a legal opinion held that this practice was illegal without enabling legislation.

SB 100 - Mileage Reimbursement: This bill

- ✓ requires that local school boards reimburse mileage to a school service employee using his or her own vehicle for work related duties, and that the reimbursement be no less than the state rate (currently 44.5 cents per mile.)

SB 442 - Grievance Procedure: This bill makes major reforms to the grievance procedure. The changes include

- ✓ creating a new West Virginia Public Employees Grievance Board with five members (two of whom shall represent employee organizations) appointed by the Governor; giving the board new powers, duties, rule-making authority and data collection responsibilities;
- ✓ eliminating the informal meeting and step one of the current procedure;
- ✓ making the grievance procedure more fair, efficient, cost effective and consistent;
- ✓ clarifying definitions and general grievance procedures;
- ✓ disallowing supervisors who evaluate from being representatives;
- ✓ clarifying and reorganizing general provisions;
- ✓ clarifying the default provisions; stating when employees may be represented;
- ✓ clarifying the procedure for conferences and hearings;
- ✓ removing hearing examiners from the grievance procedure;
- ✓ and making technical corrections to affected sections of the code .

SB 541 - School Aid Formula Revision: This bill

- ✓ increases the amount of funds to the county boards of education by dropping the local share from 98% to 90% over a two-year period. In other words, the county boards of education will be receiving more money.
- ✓ Working with our locals, we will be developing salary campaigns to grab a share of the increased funds as we believe a majority of these funds should be used to address salaries.
- ✓ In addition, the bill addresses the problems of our growth counties. Under the bill, those counties with a three year average growth of 2% or more will receive, through a formula, an increase in funds. This will help our growth counties where they are struggling to maintain pace with the rapid school enrollment growth. Counties, such as Berkeley and Jefferson, could receive almost \$500,000 and \$200,000, respectively, in additional funding under the provisions of this bill. WVSSPA hopes that this bill will be the key to our efforts to increase salaries at the county level.

(All bills are pending signature from the Governor and will not become effective before July 1, 2007.)