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WVSSPA

Legislative Update



The regular 2009 Legislative session is in recess until late May, and everyone at WVSSPA agrees that this was one of the toughest legislative sessions in memory. We were forced to play defense from the very first day in order to protect many of the benefits, rights and privileges we have gained over the years. However, we would be remiss if we did not start by acknowledging the tremendous effort and work by the leadership of the House of Delegates and all House members in “watching our backs” and making sure that legislation was not passed that would return us to the days of politics, nepotism and cronyism. Without the work of the Speaker of the House Rick Thompson and his leadership team, the outcome of the session would have been very different.

We also need to give special thanks to House Education chairwoman Mary Poling, vice-chair Brady Paxton and their subcommittee chairs, Delegates Dave Pethel, Stan Shaver and Dave Perry, as well as the rest of the entire House Education committee which unanimously supported our positions. Without their leadership, the interests of children and education employees would not have been served. While we have friends in the Senate, particularly on the Senate Education Committee, they were simply outnumbered.

We worked all session against bills that would have hurt school service personnel. We were faced with **SB 249 (School Calendar Bill)** which would have taken the starting and ending dates for our employment term out of the law book. That means that county boards could have started school in early August and ended school in late June. At one point, the Senate even had a provision in the bill that would have allowed Superintendents to withhold our pay on snow days. When the bill arrived in the House, we were able to remove all of the punitive language, but the Senate would not back down from its position and the bill died. Thank goodness for the House Education Committee!

We were also forced to deal with a **HB 2085**, a bill that would have allowed County Boards to use city bus services to transport students. WVSSPA made sure that this bill was buried.

We were faced with:

SB 513, Teacher Hiring Criteria bill: This bill would have watered down teacher seniority rights, allowed superintendents to hand-pick candidates to fill vacancies and would not have allowed teachers to transfer after July 15th. While this bill did not deal specifically with service personnel seniority, we opposed the bill. If teacher seniority is weakened, then we are next! The bill died in the House Education Committee.

HB 2836, Innovation Zone bill: Several months ago, WVSSPA began meeting with officials from the WV Department of Education regarding legislation creating “Innovation Zones.” This bill would have allowed schools to try new and innovative approaches to educating children. WVSSPA supported this concept, because in its original form, the bill required 80% of all employees at a school to vote in favor of initiating this program. However, when the bill left the Senate Education Committee, the provision for service personnel to vote on these innovations was removed from the bill. The House Education

Committee then demanded that the service personnel language be put back in the bill, but the Senate would not concur and the bill died.

House Education Committee Chairwoman Mary Poling said there needed to be support from the whole school for an innovation zone to work, especially if staff is involved in some of the changes. For instance, if the school changes its schedule, bus drivers may have to work different schedules. WVSSPA and the House wanted the drivers to be a part of the vote.

Senator Erik Wells, (Kanawha,) who headed an innovation zone subcommittee in the Senate, disagreed with the House philosophy. In an interview with the Charleston Daily Mail, Wells said, "The senate's position was that cooks and janitors should not be making classroom decisions, and we were not going to accept that."

It appears that Senator Wells doesn't have much respect for the opinion of school service personnel.

SB 430, PEIA Retirees: This bill would have mandated that all school employees hired after July 1, 2009 would not have their PEIA premiums subsidized after they retire. This would mean that most retirees would be without healthcare. WVSSPA opposed this bill and it died in the Senate.

SB 758, The Charter School Bill: This bill, drafted and introduced by Senator Eric Wells (Kanawha,) would have allowed any school to "reconstitute" itself as a Charter School and that school would not be subject to any of our seniority or other work rules set forth in Chapter 18A. WVSSPA vigorously opposed this bill and it has been placed in a study committee.

HB 2924, Military service credit for retirement: All of the public employee retirement systems allow different amounts of military service credit toward retirement. This bill in its original form would have increased the amount of service credit for service personnel and teachers with military service. However, when the bill emerged from one committee, service personnel and teachers had been removed from the bill. Fearing that we may lose our best chance to correct this inequity for our members, we opposed the bill and it died.

Your calls and emails were instrumental in building support for our positions and stopping bad legislation. You made a difference during this session and we thank you!

But our work is not done. The legislature has extended the session through the first week in June. We intend to continue to work to secure support to freeze our PEIA premiums so that they do not increase July 1, 2009. The House of Delegates supports this effort and we hope to build support within the Senate to accomplish this.

Here is a synopsis of the legislation that did pass:

HB 2870, The Pension Transfer bill, written by WVSSPA and AFT-WV, extends the time within which a member of the TDC (new plan) who transferred to TRS (old plan) is required to pay the amount to purchase the 25% additional service credit from the current deadline of June 30th, 2009 or within 90 days after the postmarked date on the final calculation notice from the CPRB, whichever is later. Those

employees who completed a verification form will receive their cost calculations by May 1, 2009. **In order to obtain a contribution calculation from the CPRB, you must complete a verification form. You can download the form at www.wvretirement.com.** Thanks to the leadership of the House Pension and Retirement Chair Sharon Spencer and Senate Pension and Retirement Chair Dan Foster who guided the bill through their respective Houses.

HB 3146, Service Personnel Seniority; This bill, introduced at the request of WVSSPA, clarifies seniority rights for school service personnel. The bill provides that vacancies will be awarded first to current employees within classification, then RIF'd employees within classification, then the normal order for awarding jobs. The bill also provides that assignments within schools for aides must be based upon seniority. Additionally, this bill requires assignment of custodians to certain shifts be made based upon seniority. WVSSPA supported the bill.

HB 2335, (GI Yellow Ribbon Bill); The bill requires West Virginia public colleges and universities to participate in the federal Yellow Ribbon G.I. Education Enhancement Program. The Program provides eligible post-9/11 veterans additional moneys (an amount equal to the cost of in-state tuition at the most expensive public university or college in the state) towards the cost of tuition and fees at institutions of higher education. WVSSPA supported this bill.

HB 2530; The bill provides technical clean-up from last year's school aid formula bill as this bill clarifies that nurses and guidance counselors are still considered in the general employee classification of "teacher" and are professional educators. WVSSPA supported this bill.

HB 2734; The bill defines that the minimum guaranteed benefit for those who selected to transfer from the new plan to the old plan will be the vested portion of their new plan account as of July 1, 2008 plus all member contributions to the old plan since. WVSSPA supported this bill.

SB 258; The Governor's bill clarifies that local governmental bodies would not be held personally or criminally liable for OPEB liabilities.

SB 373; The PROMISE bill changes the amount of the scholarship to a maximum award of \$4,750 and increases funding to PROMISE by \$2 million. In addition, a faculty member representing extension services or Health Science at WVU shall be selected by the Faculty Senate and added to the BOG.

SB 498; The bill addresses early childhood programs and preserves the state's eligibility to receive federal funding. A quality rating improvement system is created and the Boards of Education must report to the Department of Health and Human Services documenting the extent that they are maximizing resources.

Resolutions passed

House Concurrent Resolution to study potential alternative methods for assisting county boards of education to meet the facility needs of their school systems.

House Concurrent Resolution to study improving the ability of public schools to make a study on improving the ability of public schools to effectively recruit and employ well qualified graduates.

Senate Concurrent Resolution to study school personnel employment and retention, professional skills and development , pay for performance models and incentive programs, teacher evaluations and how each affects student performance,

This update brought to you by the WV School Service Personnel Association – the organization that fights for your rights!