

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1989 MAY 16 PM 3:38

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY 18A-4-10

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 158 (Policy # 5612)

TITLE OF RULE BEING PROPOSED: Use of Personal Leave Benefits with
Workers' Compensation Benefits

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 26, 1989 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mrs. Carolyn Arrington, Assistant State Supt.

West Virginia Dept. of Ed.

Room B-215, Bldg. #6

Capitol Complex

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Barbara Estep

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18A-4
SERIES 158
POLICY 5612

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OFFICE OF WEST VIRGINIA
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Title: Use of Personal Leave Benefits with Workers' Compensation Benefits

Section 1. General

1.1 Scope - This legislative rule restricts the use of personal leave benefits by public school employees in accordance with West Virginia Code §18A-4-10, when used in conjunction with Workers' Compensation benefits from the claims filed against and billed to the employees' county boards of education or any other county board of education in the state of West Virginia.

1.2 Authority - West Virginia Code §18A-4-10.

1.3 Date Filed - February 10, 1989

1.4 Effective Date - February 10, 1989

Section 2. Applicability

This rule applies to requests for personal leave compensation by employees of county boards of education during periods when they apply for and receive benefits from the Workers' Compensation Fund which are filed against and billable to a county board of education.

Section 3. Restriction of Personal Leave Benefits

From the effective date of this policy, county boards of education shall restrict the payment of personal leave benefits and the charging of personal leave time used to an employee receiving a Workers' Compensation benefit from a claim filed against and billed to a county board of education. If an employee is awarded Workers' Compensation benefits billable to a county board of education, such employee shall receive personal leave compensation only to the extent such compensation is required, when added to the Workers' Compensation benefit, to equal the amount of compensation regularly paid such employee. If personal leave compensation equal to the employee's regular pay is paid prior to the award of the workers' compensation, such amount which when added to the benefit, is in excess of the employee's regular pay shall be deducted from the employee's subsequent pay. The employee's accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to compensate the employee at the employee's regular rate of pay.

WV Board of Education
Leg. Rule, 18A-4
Series 158, Sec. 4

Section 4. County Policies

To the extent that county boards of education have policies governing use of personal leave benefits, they shall be governed by this rule and shall be amended forthwith to reflect the provisions of this rule.

1255p/51p

TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION

SERIES 158
USE OF PERSONAL LEAVE BENEFITS WITH WORKERS' COMPENSATION BENEFITS

§126-158-1. General.

1.1. Scope - This legislative rule restricts the use of personal leave benefits by public school employees in accordance with West Virginia Code §18A-4-10, when used in conjunction with Workers' Compensation benefits from the claims filed against and billed to the employees' county boards of education or any other county board of education in the state of West Virginia.

1.2. Authority - West Virginia Code §18A-4-10.

1.3. Date Filed - November 17, 1989.

1.4. Effective Date - December 29, 1989.

§126-158-2. Applicability.

This rule applies to requests for personal leave compensation by employees of county boards of education during periods when they apply for and receive benefits from the Workers' Compensation Fund which are filed against and billable to a county board of education.

§126-158-3. Restriction of Personal Leave Benefits.

From the effective date of this policy, county boards of education shall restrict the payment of personal leave benefits and the charging of personal leave time used to an employee receiving a Workers' Compensation benefit from a claim filed against and billed to a county board of education. If an employee is awarded Workers' Compensation benefits billable to a county board of education, such employee shall receive personal leave compensation only to the extent such compensation is required, when added to the Workers' Compensation benefit, to equal the amount of compensation regularly paid such employee. If personal leave compensation equal to the employee's regular pay is paid prior to the award of the workers' compensation, such amount which when added to the benefit, is in excess of the employee's regular pay shall be deducted from the employee's subsequent pay. The employee's accrued personal leave days shall be charged only for such days as equal the amount of personal leave compensation required to compensate the employee at the employee's regular rate of pay.

§126-158-4. County Policies.

To the extent that county boards of education have policies governing use of personal leave benefits, they shall be governed by this rule and shall be amended forthwith to reflect the provisions of this rule.