

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18A-4-10

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO X


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 29, 1989


November 17, 1989

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

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 - November 17, 1989

1.4 Effective Date - December 29, 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