



LEGISLATIVE UPDATE

AFT-West Virginia, AFL-CIO



Fighting for Public Education... From Statehouse to Schoolhouse

This week at the Capitol: Attacks continue as HB 2009 passes, heads to the Governor

Paycheck Deception

[Committee Sub for HB 2009](#), a bill to attack and silence the voices of public employees, passed the Senate last Friday afternoon and now goes to the Governor's desk. This bill:

- Will prohibit the payroll deduction of union dues for public employees
- Is a direct interference of government into a private contract between employee and union
- Attempts to silence workers' collective voices by limiting the ability to invest in their professional voice and elections
- Will affect teachers, service personnel, firefighters, police and correctional officers and state employees

Tell Governor Justice you oppose this government inference in your freedom and blatant attempt to silence your professional voice. Your paycheck is YOUR business!

[Click here to write an email to the Governor and ask him to VETO HB 2009.](#)

Grievance Procedure Bills

[SB 566](#) would undermine the public employees grievance procedure by allowing a state superintendent's interpretation of law or policy to supersede the judgement of administrative law judges. It is another attempt by the majority to chip away at the employment rights of education employees in WV and tilt the scales even further in favor of the employer. This bill passed the Senate on last week and awaits consideration by the House Judiciary Committee.

[SB 601](#) would make significant changes to the public employees grievance procedure, all potentially detrimental to the employee. These changes would include:

- Actions taken by the employer in accordance with Executive Orders issued by the Governor related to declared states of preparedness or states of emergency are no longer grievable
- Grievance forms would be required to be notarized before being filed, within the time limits specified in the procedure. Failure to properly sign and notarize the form would result in immediate dismissal of a grievance.
- "Failure to state a claim" language would be added to state code. This means, that any party may, at any time, file a motion to dismiss asserting that the grievance board lacks jurisdiction; that the grievance was untimely; that the grievant has failed to state a claim under this article upon which relief may be granted; or a remedy wholly unavailable to the grievant is requested in the grievance filing.
- Language would be added to state code to allow the prevailing party at level three to request actual attorney's fees and costs. If the administrative law judge would find that the opposing party presented a grievance or defense which lacked any basis in fact or law, was not brought in good faith, or was brought with malice or wrongful purpose (including, but not limited to, delay or harassment) then the administrative law judge could award attorney's fees and costs to the movant. This means that a grievant could possibly be liable for paying the BOE's legal costs.

SB 601 is currently on second reading in the Senate.

Concealed Carry by Teachers

[HB 2364](#) would permit teachers in K-12 schools to be authorized to carry concealed firearms as a designated school protection officer. The bill has passed House Education and awaits action by the House Judiciary Committee. AFT-WV believes teachers should not bear this liability and that this role is one best left to trained police officers and school resource officers. There are also concerns that the Board of Risk Management and union liability policies may or may not be applicable for wrongful death suits or accidents stemming from employees carrying firearms.

Status Update on Major Education Bills:

[Committee Sub for SB 15](#) changes the salary increase provisions in state code for a master's degree and passed the Senate on a 24-9 vote. It has been pending consideration by the House Education Committee for a few weeks. The changes would be effective July 1, 2022, and states that classroom teachers receiving a master's degree on or after that date cannot qualify for "M.A." and may only qualify for an in-field master's degree. The salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment teaching in that MA field for at least one half of the total classes assigned.

[HB 2362](#) requires the State Board of Education to implement trauma-informed practices in grades K-12 and provide the necessary training and support to implement the program. The bill passed the House Education Committee a few weeks ago and awaits action by the House Finance Committee. This is one of the few positive bills for education that is moving at this point and AFT-WV has offered our professional development trainers to implement these practices for free.

[HB 2791](#) relates to enrollment at the county vocational schools. The bill allows universal acceptance of non-public students to participate in vocational programs throughout all 55 counties. The bill was passed the House and is awaiting consideration by the Senate Education committee.

[Comm Sub for SB 375](#) relates to county boards of education policies for open enrollment, criteria for enrollment denial and adds a procedure for appeal if denied. The bill passed the Senate and is awaits consideration by the House Education Committee.

Bills Passed/Completed Legislative Process

Hope Scholarships

[HB 2013](#) creates Hope Scholarships, which are basically education savings accounts or ESAs. This bill has passed both the House and Senate and awaits the Governor's signature.

Specifics of the bill include:

- 100% of state aid formula on base granted per student annually
- Can be used for private schools and/ or related educational expenses by definition
- Shall be operational by July 2022
- Approximately \$4600/yr based on previous year state aid formula per pupil average
- Contains minimal anti-discrimination provisions for students
- Does not provide financial accountability provisions to ensure funding is used to meet student needs

Charter School Expansion

[HB 2012](#) has completed the legislative process and has been signed by the Governor. The bill will:

- Change limitations on amount of Charter Schools from 3 to 10
- Remove revocation provisions
- Create new authorizer as "West Virginia Professional Charter School Board"
- Create Virtual Charter Schools

Alternative Certification

[Eng. Committee Sub for SB 14](#) weakens the standards for alternative certification for teachers. The bill has passed both chambers and completed legislative action. The bill has been signed by the Governor and legislative action is complete. It will be effective 90 days from passage.

Work Stoppages and Strikes

[Committee Sub for SB 11](#) codifies the illegality of public employee work stoppages and strikes. The bill has completed legislative action, and has become law without the Governor's signature. It is effective ninety days from passage.

Stay Informed during the Legislative Session

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- "Like" us at [Facebook.com/AFTWV](https://www.facebook.com/AFTWV) and follow us on Twitter [@AFTWV](https://twitter.com/AFTWV)
- Make sure your cell phone number is updated with us! During the 2019 strike, AFT-WV deployed a new technology that enables us to instantly have a text conversation with all members with a valid mobile number on file. If you haven't recently updated your contact information, please email or call the office with your new number.
- Many AFT local presidents and staff representatives use the Remind app to communicate with their local members. Ask your local president or staff rep if your county uses Remind and get signed up!