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**LEGISLATIVE AFFAIRS COMMITTEE
RECOMMENDATION**

SR-05-06-(07) 52-109 LAC

Recommends endorsement of the attached Legislative Affairs Committee Legislative Agenda for the 2006 West Virginia Legislative Session. This agenda mirrors that of the Advisory Council of Faculty's (ACF) agenda in all substantive areas with the exception of points two and three in the section, *Parity with Public School Teachers*, where the Legislative Affairs Committee agenda provides clarification that properly reflects current state codes.

RATIONALE:

The Legislative Affairs Committee desired to endorse the ACF's 2006 legislative agenda but could not due to the omission of references to state codes. LAC also felt the ACF agenda should not address the issue of higher education employees service in the legislature as it violates current state code and is at odds with their last agenda item, AEI for higher education faculty.

The Committee provides clarification on the following ACF agenda items:

1. Increasing the state retirement contribution rate should first be compared with the TIAA-CREF rate among the peer institutions to make meaningful argument. Recent assessments of peer institutions show that they receive approximately 3.7% more than WV higher education faculty. Furthermore, this is not just parity with the public school teachers. More than 10% of the higher education employees within the WV HEPC system receive between 7.5-15% state contribution rates when they opt out of taking the TIAA-CREF system.
2. Parity with Public School Teachers should be deleted from this year's agenda concerning the right to serve in the legislature. Employees in the state's public higher education system are state employees. Hence, they are not eligible for a seat in the legislature (WV State Constitution Art. 6, Sec. 13). Public school employees are county school board employees and they are not state employees (*Queen v. WV University Hospitals, Inc.*, 179 W.Va. 95, 365 S.E. 2d 375, 1987; *Hooper v. Jensen*, 174 W.Va. 643, 1985). Many judiciary rulings settled by the US Federal Court and by the WV Supreme Court (*Wilson v. Moore*, 1972 v346, F. Supp. 635; *Hanak v. Taylor*, 1993, v823, F. Supp.792; *State ex rel. Rist v. Underwood*, 1999, v524 S.E.2d, 179, 206, W.Va. 258) have clearly revealed the losing argument presented on the ACF's agenda.
3. By virtue of accepting those court rulings as listed in the above paragraph, faculty and employees of the state's public higher education institutions are state employees. Thus, faculty should fairly receive the AEI, as do classified and non-classified staff, in the HEPC system and all other state employees.

FACULTY SENATE CHAIR:

APPROVED
BY SENATE:

Larry Sticker

DATE:

11/18/2025

DISAPPROVED
BY SENATE:

DATE:

UNIVERSITY PRESIDENT:

APPROVED:

[Signature]

DATE:

11/30/25

DISAPPROVED:

DATE:

COMMENTS:

Legislative Affairs Committee
Legislative Agenda for the 2006 Legislative Session

A. Parity with Peer Institutions:

1. Provide legislative funding for WV higher education at or above the national average.
2. Provide legislative funding for new faculty positions in order to assure quality higher education programs.
3. Reinstate into Code 18B-8-3, Item (c), that the minimum salary increase upon faculty promotion in rank be 10%.

B. Parity with Public School Teachers:

1. Extend "K-12" funding priorities to include "P-20," in recognition of the critical position of higher education in today's global economy.
2. Close the gap of state retirement contributions between us:
 - a. Our peer institutions whose average state contribution is 9.7% of annual salary, a 3.7% higher contribution rate, or 61.6% more.
 - b. Other WV higher education employees (who are not in TIAA-CREF) whose average state contribution is between 7.5% to 15% of annual salary, a 1.5% to 9% higher contribution rate, or 25% to 150% more.
 - c. Public school teachers (who contribute to the Teacher Retirement System) who receive contributions of 7.5% of annual salary, a 1.5% higher contribution rate, or 25% more.

C. Parity with All Other State Employees:

1. Provide funding and put into State Code §5-5-1 the Annual Experience Incremental pay (AEI) for WV higher education faculty.