


I believe I said during my session that when a regular service employee is absent, and a substitute employee is called to fill in (as opposed to another regular employee stepping-up), that substitute employee is entitled to fill ALL of the absent regular employee's jobs for the day. That is not correct.

Example: Assume Billy the Bus Driver is absent and he has a morning run, an evening run, and an extracurricular midday run. If a substitute driver is called to work the regular run, a separate call would have to be made to fill Billy's extracurricular midday run.

The Grievance Board has ruled that regular service contract duties and extracurricular service contract duties are separate and therefore, when a regular service employee is absent, the process would be as follows:

- a) in seniority order, offer the **regular** contract work to other regular employees at the same worksite who work in the same classification (step-up);
- b) then, in seniority order, offer the **extracurricular** work to the next regular employee at the same worksite who works in the same classification (step-up);
- c) if no regular employees want to step-up into the **regular** job of the absent regular employee, then go to the **substitute** list;
- d) if no regular employees want to step-up into the **extracurricular** job of the absent regular employee, then go to the **substitute** list.

	Richard S. Boothby rboothby@bowlesrice.com
Bio vCard	United Square, Fifth Floor 501 Avery Street Parkersburg, WV 26101 Telephone: (304) 420-5535 Facsimile: (304) 420-5587



**WHEN DO SUBSTITUTES GET
“SUBSTANDARD” RIGHTS AND BENEFITS?**

WVASBO SPRING CONFERENCE

Embassy Suites, Charleston, WV

Attorneys Richard S. Boothby and Laura Sutton

May 18, 2018



EDUCATION PRACTICE GROUP ATTORNEYS

Rick Boothby, Parkersburg
Office: (304) 420-5535; Cell: (740) 373-1693
rboothby@bowlesrice.com

Howard Seufer, Jr., Charleston
Office: (304) 347-1776; Cell: (304) 767-1804
hseufer@bowlesrice.com

Kim Croyle, Morgantown
Office: (304) 285-2504; Cell: (304) 319-4745
kcroyle@bowlesrice.com

Laura Sutton, Martinsburg
Office: (304) 264-4216; Cell (304) 676-4941
lsutton@bowlesrice.com

Canon Hill, Charleston
Office: (304) 347-1182; Cell: (478) 954-7739
chill@bowlesrice.com

Rebecca Tinder, Charleston
Office: (304) 347-2132; Cell: (304) 545-4097
rtinder@bowlesrice.com

EDUCATION PRACTICE GROUP STAFF

Sarah Simpson Plantz
Charleston, (304) 347-1183
splantz@bowlesrice.com

Linda Poff
Parkersburg, (304) 420-5508
lpoff@bowlesrice.com

OTHER BOWLES RICE ATTORNEYS PROVIDING SUPPORT TO PUBLIC EDUCATION CLIENTS IN SPECIFIC AREAS

(Contact Information may be found at www.bowlesrice.com or by calling (304) 347-1100)

Mark Adkins – Construction Litigation.

Bob Bays – Condemnations.

Berkeley Bentley – FOIA Replies.

Aaron Boone – Civil Litigation on behalf of School Boards.

Michael Cardi – Title IX.

Kayla Cook – Title IX.

Josh Cottle – Education Services Cooperatives; Employee Grievances and Appeals.

Mark D’Antoni – Acquisition and Disposition of Real Estate.

Roger Hanshaw - Parliamentary Procedure; Education Services Cooperatives.

Ashley Hardesty O’Dell – Civil Litigation on behalf of School Boards.

Roger Hunter – Bond Issues, Excess Levies, Lease Purchase.

Bob Kent – Civil Litigation on behalf of School Boards.

Robert Kiss – PILOTs and Tax

Tom Pearcy – Bond Issues; Excess Levies; Lease Purchase.

Steve Prunty – Easements.

Marion Ray – Workers Compensation.

Floyd “Kin” Sayre – Taxes; PILOTs

Cam Siegrist – Bond Issues, Excess Levies, Lease Purchase.

Ken Webb – Construction Issues and Litigation.



TABLE OF CONTENTS

	<u>Page</u>
Long-Term Substitutes [Excerpts]	1
W. Va. Code §5-16-2. Definitions. West Virginia Public Employees Insurance Act.....	3
W. Va. Code 18A-1-1. Definitions. School Personnel.....	6
Compensation and Benefits for Professional Substitutes	9
Compensation and Benefits for Service Substitutes.....	11



LONG-TERM SUBSTITUTES

[Excerpts]

In 2008 the Legislature adopted a special definition of "long-term" substitute. It appears in West Virginia Code § 18A-1-1 and reads as follows:

(1) "Long-term substitute" means a substitute employee who fills a vacant position that the county superintendent expects to extend for at least thirty consecutive days, and is either:

- A. Listed in the job posting as a long-term substitute position of over thirty days; or*
- B. Listed in a job posting as a regular, full-time position and:
 - i. Is not filled by a regular, full-time employee; and*
 - ii. Is filled by a substitute employee.**

For the purposes of section two, article sixteen, chapter five of this code, long-term substitute does not include a retired employee hired to fill the vacant position.

(A "long-term substitute" so defined can be a professional or service substitute.)

A "long-term substitute" who meets the definition above is also considered to be an "employee" under the West Virginia Public Employees Insurance Act.

West Virginia Code § 5-16-2 so provides:

(3) "Employee" means . . . any person who works as a long-term substitute as defined in section one, article one, chapter eighteen-a of this code in the service of a county board of education: Provided, That a long-term substitute who is continuously employed for at least one hundred thirty-three instructional days during an instructional term, and until the end of that instructional term, is eligible for the benefits provided in this article until the first day of September following that instructional term: Provided, however, That a long-term substitute employed fewer than one hundred thirty-three instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a long-term substitute . . .



Thus, it appears that a long-term substitute within the definition above would have his or her application for insurance benefits processed just like any other regular full-time school employee. They would turn in the paperwork to the appropriate department at the central office, and that department would in turn transmit the application to the West Virginia Public Employees Insurance Agency.

CAUTION: Any questions about whether a particular employee will be covered by PEIA for a specific date or time should be directed to the West Virginia Public Employees Insurance Agency. An error in this determination could expose a school board to liability for an employee's and his/her family members' health care expenses should there be a claim made during a period where the employee believed that he/she had coverage but did not. Employer/employee questions about the start and end dates of coverage should be directed to the West Virginia Public Employees Insurance Agency.



West Virginia Public Employees Insurance Act

1 §5-16-2. Definitions.

2 The following words and phrases as used in this article, unless a different meaning
3 is clearly indicated by the context, have the following meanings:

4 (1) "Agency" means the Public Employees Insurance Agency created by this
5 article.

6 (2) "Director" means the Director of the Public Employees Insurance Agency
7 created by this article.

8 (3) "Employee" means any person, including an elected officer, who works
9 regularly full time in the service of the State of West Virginia and, for the purpose of this article
10 only, the term "employee" also means any person, including an elected officer, who works
11 regularly full time in the service of a county board of education; a county, city or town in the state;
12 any separate corporation or instrumentality established by one or more counties, cities or towns,
13 as permitted by law; any corporation or instrumentality supported in most part by counties, cities
14 or towns; any public corporation charged by law with the performance of a governmental function
15 and whose jurisdiction is coextensive with one or more counties, cities or towns; any
16 comprehensive community mental health center or comprehensive mental retardation facility
17 established, operated or licensed by the Secretary of Health and Human Resources pursuant to
18 section one, article two-a, chapter twenty-seven of this code and which is supported in part by
19 state, county or municipal funds; any person who works regularly full time in the service of the
20 Higher Education Policy Commission, the West Virginia Council for Community and Technical
21 College Education or a governing board, as defined in section two, article one, chapter eighteen-b
22 of this code; any person who works regularly full time in the service of a combined city-county
23 health department created pursuant to article two, chapter sixteen of this code; any person
24 designated as a 21st Century Learner Fellow pursuant to section eleven, article three, chapter
25 eighteen-a of this code; and any person who works as a long-term substitute as defined in section
26 one, article one, chapter eighteen-a of this code in the service of a county board of education:
27 Provided, That a long-term substitute who is continuously employed for at least one hundred thirty-
28 three instructional days during an instructional term, and until the end of that instructional term, is
29 eligible for the benefits provided in this article until September 1, following that instructional term:
30 Provided, however, That a long-term substitute employed fewer than one hundred thirty-three
31 instructional days during an instructional term is eligible for the benefits provided in this article
32 only during such time as he or she is actually employed as a long-term substitute. On and after
33 January 1, 1994, and upon election by a county board of education to allow elected board members
34 to participate in the Public Employees Insurance Program pursuant to this article, any person
35 elected to a county board of education shall be considered to be an "employee" during the term of
36 office of the elected member. Upon election by the state Board of Education to allow appointed
37 board members to participate in the Public Employees Insurance Program pursuant to this article,



38 any person appointed to the state Board of Education is considered an "employee" during the term
39 of office of the appointed member: Provided further, That the elected member of a county board
40 of education and the appointed member of the state Board of Education shall pay the entire cost of
41 the premium if he or she elects to be covered under this article. Any matters of doubt as to who is
42 an employee within the meaning of this article shall be decided by the director.

43 On or after July 1, 1997, a person shall be considered an "employee" if that person
44 meets the following criteria:

45 (i) Participates in a job-sharing arrangement as defined in section one, article one,
46 chapter eighteen-a of this code;

47 (ii) Has been designated, in writing, by all other participants in that job-sharing
48 arrangement as the "employee" for purposes of this section; and

49 (iii) Works at least one third of the time required for a full-time employee.

50 (4) "Employer" means the State of West Virginia, its boards, agencies,
51 commissions, departments, institutions or spending units; a county board of education; a county,
52 city or town in the state; any separate corporation or instrumentality established by one or more
53 counties, cities or towns, as permitted by law; any corporation or instrumentality supported in most
54 part by counties, cities or towns; any public corporation charged by law with the performance of a
55 governmental function and whose jurisdiction is coextensive with one or more counties, cities or
56 towns; any comprehensive community mental health center or comprehensive mental retardation
57 facility established, operated or licensed by the Secretary of Health and Human Resources pursuant
58 to section one, article two-a, chapter twenty-seven of this code and which is supported in part by
59 state, county or municipal funds; a combined city-county health department created pursuant to
60 article two, chapter sixteen of this code; and a corporation meeting the description set forth in
61 section three, article twelve, chapter eighteen-b of this code that is employing a 21st Century
62 Learner Fellow pursuant to section eleven, article three, chapter eighteen of this code but the
63 corporation is not considered an employer with respect to any employee other than a 21st Century
64 Learner Fellow. Any matters of doubt as to who is an "employer" within the meaning of this article
65 shall be decided by the director. The term "employer" does not include within its meaning the
66 National Guard.

67 (5) "Finance board" means the Public Employees Insurance Agency finance board
68 created by this article.

69 (6) "Person" means any individual, company, association, organization, corporation
70 or other legal entity, including, but not limited to, hospital, medical or dental service corporations;
71 health maintenance organizations or similar organization providing prepaid health benefits; or
72 individuals entitled to benefits under the provisions of this article.



73 (7) "Plan", unless the context indicates otherwise, means the medical indemnity
74 plan, the managed care plan option or the group life insurance plan offered by the agency.

75 (8) "Retired employee" means an employee of the state who retired after April 29,
76 1971, and an employee of the Higher Education Policy Commission, the Council for Community
77 and Technical College Education, a state institution of higher education or a county board of
78 education who retires on or after April 21, 1972, and all additional eligible employees who retire
79 on or after the effective date of this article, meet the minimum eligibility requirements for their
80 respective state retirement system and whose last employer immediately prior to retirement under
81 the state retirement system is a participating employer in the state retirement system and in the
82 Public Employees Insurance Agency: Provided, That for the purposes of this article, the employees
83 who are not covered by a state retirement system, but who are covered by a state-approved or state-
84 contracted retirement program or a system approved by the director, shall, in the case of education
85 employees, meet the minimum eligibility requirements of the state Teachers Retirement System
86 and in all other cases, meet the minimum eligibility requirements of the Public Employees
87 Retirement System and may participate in the Public Employees Insurance Agency as retired
88 employees upon terms as the director sets by rule as authorized in this article. Employers with
89 employees who are, or who are eligible to become, retired employees under this article shall be
90 mandatory participants in the Retiree Health Benefit Trust Fund created pursuant to article sixteen-
91 d of this chapter. Nonstate employers may opt out of the West Virginia other post-employment
92 benefits plan of the Retiree Health Benefit Trust Fund and elect to not provide benefits under the
93 Public Employees Insurance Agency to retirees of the nonstate employer, but may do so only upon
94 the written certification, under oath, of an authorized officer of the employer that the employer has
95 no employees who are, or who are eligible to become, retired employees and that the employer
96 will defend and hold harmless the Public Employees Insurance Agency from any claim by one of
97 the employer's past, present or future employees for eligibility to participate in the Public
98 Employees Insurance Agency as a retired employee. As a matter of law, the Public Employees
99 Insurance Agency shall not be liable in any respect to provide plan benefits to a retired employee
100 of a nonstate employer which has opted out of the West Virginia other post-employment benefits
101 plan of the Retiree Health Benefit Trust Fund pursuant to this section.



School Personnel

1 **§18A-1-1. Definitions.**

2 The definitions contained in section one, article one, chapter eighteen of this code
3 apply to this chapter. In addition, the following words used in this chapter and in any proceedings
4 pursuant to this chapter have the meanings ascribed to them unless the context clearly indicates a
5 different meaning:

6 (a) "School personnel" means all personnel employed by a county board whether
7 employed on a regular full-time basis, an hourly basis or otherwise. "School personnel" is
8 comprised of two categories: Professional personnel and service personnel;

9 (b) "Professional person" or "professional personnel" means those persons or
10 employees who meet the certification requirements of the state, licensing requirements of the state,
11 or both, and includes a professional educator and other professional employee;

12 (c) "Professional educator" has the same meaning as "teacher" as defined in section
13 one, article one, chapter eighteen of this code. Professional educators are classified as follows:

14 (1) "Classroom teacher" means a professional educator who has a direct
15 instructional or counseling relationship with students and who spends the majority of his or her
16 time in this capacity;

17 (2) "Principal" means a professional educator who functions as an agent of the
18 county board and has responsibility for the supervision, management and control of a school or
19 schools within the guidelines established by the county board. The principal's major area of
20 responsibility is the general supervision of all the schools and all school activities involving
21 students, teachers and other school personnel;

22 (3) "Supervisor" means a professional educator who is responsible for working
23 primarily in the field with professional and other personnel in instructional and other school
24 improvement. This category includes other appropriate titles or positions with duties that fit within
25 this definition; and

26 (4) "Central office administrator" means a superintendent, associate superintendent,
27 assistant superintendent and other professional educators who are charged with administering and
28 supervising the whole or some assigned part of the total program of the countywide school system.
29 This category includes other appropriate titles or positions with duties that fit within this definition;

30 (d) "Other professional employee" means a person from another profession who is
31 properly licensed and who is employed to serve the public schools. This definition includes a
32 registered professional nurse, licensed by the West Virginia Board of Examiners for Registered



33 Professional Nurses, who is employed by a county board and has completed either a two-year
34 (sixty-four semester hours) or a three-year (ninety-six semester hours) nursing program;

35 (e) "Service person" or "service personnel", whether singular or plural, means a
36 nonteaching school employee who is not included in the meaning of "teacher" as defined in section
37 one, article one, chapter eighteen of this code and who serves the school or schools as a whole, in
38 a nonprofessional capacity, including such areas as secretarial, custodial, maintenance,
39 transportation, school lunch and aides. Any reference to "service employee" or "service
40 employees" in this chapter or chapter eighteen of this code means service person or service
41 personnel as defined in this section;

42 (f) "Principals Academy" or "academy" means the academy created pursuant to
43 section two-b, article three-a of this chapter;

44 (g) "Center for Professional Development" means the center created pursuant to
45 section one, article three-a of this chapter;

46 (h) "Job-sharing arrangement" means a formal, written agreement voluntarily
47 entered into by a county board with two or more of its employees who wish to divide between
48 them the duties and responsibilities of one authorized full-time position;

49 (i) "Prospective employable professional person", whether singular or plural, means
50 a certified professional educator who:

51 (1) Has been recruited on a reserve list of a county board;

52 (2) Has been recruited at a job fair or as a result of contact made at a job fair;

53 (3) Has not obtained regular employee status through the job posting process
54 provided in section seven-a, article four of this chapter; and

55 (4) Has obtained a baccalaureate degree from an accredited institution of higher
56 education within the past year;

57 (j) "Dangerous student" means a student who is substantially likely to cause serious
58 bodily injury to herself or another individual within that student's educational environment, which
59 may include any alternative education environment, as evidenced by a pattern or series of violent
60 behavior exhibited by the student, and documented in writing by the school, with the
61 documentation provided to the student and parent or guardian at the time of any offense;

62 (k) "Alternative education" means an authorized departure from the regular school
63 program designed to provide educational and social development for students whose disruptive



64 behavior places them at risk of not succeeding in the traditional school structures and in adult life
65 without positive interventions; and

66 (l) "Long-term substitute" means a substitute employee who fills a vacant position:

67 That the county superintendent expects to extend for at least thirty consecutive
68 days, and is either:

69 (A) Listed in the job posting as a long-term substitute position of over thirty days;

70 or

71 (B) Listed in a job posting as a regular, full-time position and:

72 (i) Is not filled by a regular, full-time employee; and

73 (ii) Is filled by a substitute employee.

74 For the purposes of section two, article sixteen, chapter five of this code, long-term
75 substitute does not include a retired employee hired to fill the vacant position.

Compensation/Benefits for Professional Substitutes

Benefits	Sub teachers working <u>fewer</u> than 10 consecutive instructional days in the same position	Sub teachers working <u>more</u> than 10 consecutive instructional days in the same position	Sub teachers working <u>more</u> than 30 instructional days in the same position (whether consecutive or not)
Sick/Personal Leave*	No	No	No
Retirement	Refer all questions to Retirement Board	Refer all questions to Retirement Board	Refer all questions to Retirement Board
PEIA (health insurance, etc.)**	No	No	No**
Leave under Federal Family and Medical Leave Act	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of service in prior 12 months required)	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of service in prior 12 months required)	Possible (must have worked for Board a minimum of 12 months, need not be consecutive months; plus min. 1250 hours of service in prior 12 months required)
Leave under W. Va. Parental Leave Act	No, because employee using this leave must have been hired for <i>permanent</i> employment	No, because employee using this leave must have been hired for <i>permanent</i> employment	No, because employee using this leave must have been hired for <i>permanent</i> employment
Entitled to take leave of absence	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a
Seniority	133-day rule (for bidding purposes only)	133-day rule (for bidding purposes only)	133-day rule (for bidding purposes only)
Planning period	Two consecutive days/same position rule W. Va. Code 18A-4-14	Two consecutive days/same position rule W. Va. Code 18A-4-14	Two consecutive days/same position rule W. Va. Code 18A-4-14
Duty free lunch	More than one-half of class periods in day rule W. Va. Code 18A-4-14	More than one-half of class periods in day rule W. Va. Code 18A-4-14	More than one-half of class periods in day rule W. Va. Code 18A-4-14
Paid OSE days & School Holidays	No. <u>See Kent</u> ⁺ (unless actually working that day)	No. <u>See Kent</u> ⁺ (unless actually working that day)	No. <u>See Kent</u> ⁺ (unless actually working that day)
Pay scale	80% of state basic salary	80% of state advanced salary (taking experience into account)	100% of state advanced salary (taking experience into account)
Experience credit for pay purposes	133-day rule	133-day rule	133-day rule
Right to remain in position once placed there	Generally no; but should not be removed arbitrarily or capriciously <u>Vest v. Nicholas County</u>	Generally no; but should not be removed arbitrarily or capriciously <u>Vest v. Nicholas County</u> W. Va. Code 18A-2-3 (b)***	Generally no; but should not be removed arbitrarily or capriciously <u>Vest v. Nicholas County</u> W. Va. Code 18A-2-3 (b)***



Compensation/Benefits for Professional Substitutes

* Unless the county grants this leave under its own adopted written policy.

** BUT SEE W. Va. Code 5-16-2 (definitions in PEIA statute) “Employee” means . . . any person who works as a **long-term substitute** as defined in [18A-1-1] of this code in the service of a county board of education: Provided, That a **long-term substitute** who is continuously employed for at least one hundred thirty-three instructional days during an instructional term, and until the end of that instructional term, is eligible for the benefits provided in this article until the first day of September following that instructional term: Provided, however, That a **long-term substitute** employed fewer than one hundred thirty-three instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a **long-term substitute**.

*** Teacher may also remain in job under special circumstances (even if regular teacher would like to return); presuming service for more than one-half of a grading period, continuing into the second week prior to the end of the grading period; and principal has not: a) certified that regular teacher has provided lesson plans to or collaborated with the substitute, or b) received notice from regular teacher’s physician approving his/her return to work.

+ Kent v. Jackson County Bd. of Educ., Docket No. 90-18-418 (January 25, 1991).

Compensation/Benefits for Service Substitutes

Benefits	Temporary Absence (regardless of length) (sometimes called “casual substitutes”) W. Va. Code 18A-4-15 (a)(1)	Workers Compensation Absence (more than 30 days) W. Va. Code 18A-4-15 (a)(2); posted and filled under 18a-4-8b	Written Leave of Absence (more than 30 days) W. Va. Code 18A-4-15(a)(2); posted and filled under 18a-4-8b	Suspension of Regular Employee (more than 30 days) W. Va. Code 18A-4-15(a)(5); posted and filled under 18a-4-8b
Sick/Personal Leave	No, 18A-4-10 restricts who earns paid sick leave to regular employees	Yes	Yes	Yes
Retirement	Refer to Retirement Bd.	Refer to Retirement Bd.	Refer to Retirement Bd.	Refer to Retirement Bd.
PEIA (health insurance, etc.)	No*	Yes	Yes	Yes
Duty free lunch	Yes**	Yes	Yes	Yes
Overtime pay	Yes	Yes	Yes	Yes
Paid OSE days & School Holidays	No	Yes, if other regular ee’s receive pay, or if ee is actually working; otherwise, NO.	Yes, if other regular ee’s receive pay, or if ee is actually working; otherwise, NO.	Yes, if other regular ee’s receive pay, or if ee is actually working; otherwise, NO.
Leave under Federal Family and Medical Leave Act	Possible (min. 1250 hours of service in prior 12 months required)	Possible (min. 1250 hours of service in prior 12 months required)	Possible (min. 1250 hours of service in prior 12 months required)	Possible (min. 1250 hours of service in prior 12 months required)
Leave under W. Va. Parental Leave Act	No, because employee using this leave must have been hired for permanent employment	No, because employee using this leave must have been hired for permanent employment	No, because employee using this leave must have been hired for permanent employment	No, because employee using this leave must have been hired for permanent employment
Regular seniority for bidding purposes (on regular positions when employee returns to substitute status)	No	No	No	No
Experience credit for pay purposes	133-day rule	133-day rule	133-day rule	133-day rule
Entitled to take leave of absence	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a	See Local Board Policy W. Va. 18A-2-2a

Compensation: All substitutes service employees receive compensation based upon their years of employment, as defined in W. Va. Code 18A-4-8, and otherwise in accordance with the salary schedule of persons regularly employed in the same position in the county in which they are employed.

* BUT SEE W. Va. Code 5-16-2 (definitions in PEIA statute) “Employee” means . . . any person who works as a **long-term substitute** as defined in [18A-1-1] of this code in the service of a county board of education: Provided, That a **long-term substitute** who is continuously employed for at least one

hundred thirty-three instructional days during an instructional term, and until the end of that instructional term, is eligible for the benefits provided in this article until the first day of September following that instructional term: Provided, however, That a **long-term substitute** employed fewer than one hundred thirty-three instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a **long-term substitute**.

**If employee is to work more than 3.5 hours a day, W. Va. Code 18A-4-14



These materials are presented with the understanding that the information provided is not legal advice. Due to the rapidly changing nature of the law, information contained in these materials may become outdated. Anyone using information contained in these materials should always research original sources of authority and update this information to ensure accuracy when dealing with a specific matter. No person should act or rely upon the information contained in these materials without seeking the advice of an attorney.