

H. B. 2154

(By Delegates Caputo, Martin, Perry, Paxton and Sumner)

[Introduced January 12, 2011; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8 and §18A-4-8a of said code, all relating to establishing the school service personnel class title and pay grade for the positions of "Administrative Assistant" and "Legal Secretary."

Be it enacted by the Legislature of West Virginia:

That §18A-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18A-4-8 and §18A-4-8a of said code be amended and reenacted, all to read as follows:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-5. Employment of service personnel; limitation.

The board is authorized to employ such service personnel, including substitutes, as is deemed necessary for meeting the needs of the county school system. ~~Provided, That the board may not employ a number of such personnel whose minimum monthly salary~~

1 ~~under section eight-a, article four, of this chapter is specified~~
2 ~~as pay grade "H", which number exceeds the number employed by the~~
3 ~~board on the first day of March, one thousand nine hundred eighty-~~
4 ~~eight.~~

5 Effective July 1, 1988, a county board shall not employ for
6 the first time any person who has not obtained a high school
7 diploma or general educational development certificate (GED) or who
8 is not enrolled in an approved adult education course by the date
9 of employment in preparation for obtaining a GED: *Provided, That*
10 such employment is contingent upon continued enrollment or
11 successful completion of the GED program.

12 Before entering upon their duties service personnel shall
13 execute with the board a written contract which shall be in the
14 following form:

15 "COUNTY BOARD OF EDUCATION

16 SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

17 THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made
18 and entered into this _____ day of _____, ~~19~~ 20 ____, by
19 and between THE BOARD OF EDUCATION OF THE COUNTY OF
20 _____, a corporation, hereinafter called the 'Board,' and
21 (Name and Social Security Number of Employee), of (Mailing
22 Address), hereinafter called the 'Employee.'

23 WITNESSETH, that whereas, at a lawful meeting of the board of
24 Education of the County of _____ held at the offices of said

1 Board, in the City of _____,
2 County, West Virginia, on the _____ day of _____, ~~19~~
3 20 ____, the employee was duly hired and appointed for employment as
4 a (Job Classification) at (Place of Assignment) for the school year
5 commencing _____ for the employment term and at the salary and
6 upon the terms hereinafter set out.

7 NOW, THEREFORE, pursuant to said employment, board and
8 employee mutually agree as follows:

9 (1) The employee is employed by the board as a (Job
10 Classification) at (Place of Assignment) for the school year or
11 remaining part thereof commencing _____, ~~19~~ 20 _____. The
12 period of employment is _____ days at an annual salary of
13 \$_____ at the rate of \$_____ per month.

14 (2) The board hereby certifies that the Employee's employment
15 has been duly approved by the board and will be a matter of the
16 board's minute records.

17 (3) The services to be performed by the employee shall be such
18 services as are prescribed for the job classification set out above
19 in paragraph (1) and as defined in section eight, article four,
20 chapter eighteen-a.

21 (4) The employee may be dismissed at any time for immorality,
22 incompetency, cruelty, insubordination, intemperance or willful
23 neglect of duty pursuant to the provisions of section eight,
24 article four, chapter eighteen-a.

1 (5) The Superintendent of the _____ County Board of
2 Education, subject to the approval of the board, may transfer and
3 assign the employee in the manner provided by section seven,
4 article two, chapter eighteen-a.

5 (6) This contract shall at all times be subject to any and all
6 existing laws, or such laws as may hereafter be lawfully enacted,
7 and such laws shall be a part of this contract.

8 (7) This contract may be terminated or modified at any time by
9 the mutual consent of the board and the employee.

10 (8) This contract must be signed and returned to the board at
11 its address of _____ within thirty
12 days after being received by the employee.

13 (9) By signing this contract the employee accepts employment
14 upon the terms herein set out.

15 WITNESS the following signatures as of the day, month and year
16 first above written:

17 _____, (President, _____ County Board of Education)

18 _____, (Secretary, _____ County Board of Education)

19 _____, (Employee)"

20 The use of this form shall not be interpreted to authorize
21 boards to discontinue any employee's contract status with the board
22 or rescind any rights, privileges or benefits held under contract
23 or otherwise by any employee prior to the effective date of this
24 section.

1 Each contract of employment shall be designated as a
2 probationary or continuing contract. The employment of service
3 personnel shall be made a matter of minute record. The employee
4 shall return the contract of employment to the county board of
5 education within thirty days after receipt or otherwise he or she
6 shall forfeit his or her right to employment.

7 Under such regulation and policy as may be established by
8 the county board, service personnel selected and trained for
9 teacher-aide classifications, such as monitor aide, clerical aide,
10 classroom aide and general aide, shall work under the direction of
11 the principal and teachers to whom assigned.

12 **ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

13 **§18A-4-8. Employment term and class titles of service personnel;**
14 **definitions.**

15 (a) The purpose of this section is to establish an employment
16 term and class titles for service personnel. The employment term
17 for service personnel may not be less than ten months. A month is
18 defined as twenty employment days. The county board may contract
19 with all or part of these service personnel for a longer term. The
20 beginning and closing dates of the ten-month employment term may
21 not exceed forty-three weeks.

22 (b) Service personnel employed on a yearly or twelve-month
23 basis may be employed by calendar months. Whenever there is a
24 change in job assignment during the school year, the minimum pay

1 scale and any county supplement are applicable.

2 (c) Service personnel employed in the same classification for
3 more than the two hundred-day minimum employment term shall be paid
4 for additional employment at a daily rate of not less than the
5 daily rate paid for the two hundred-day minimum employment term.

6 (d) A service person may not be required to report for work
7 more than five days per week without his or her agreement, and no
8 part of any working day may be accumulated by the employer for
9 future work assignments, unless the employee agrees thereto.

10 (e) If a service person whose regular work week is scheduled
11 from Monday through Friday agrees to perform any work assignments
12 on a Saturday or Sunday, the service person shall be paid for at
13 least one-half day of work for each day he or she reports for work.
14 If the service person works more than three and one-half hours on
15 any Saturday or Sunday, he or she shall be paid for at least a full
16 day of work for each day.

17 (f) A custodian, aide, maintenance, office and school lunch
18 service person required to work a daily work schedule that is
19 interrupted shall be paid additional compensation in accordance
20 with this subsection.

21 (1) A maintenance person means a person who holds a
22 classification title other than in a custodial, aide, school lunch,
23 office or transportation category as provided in section one,
24 article one of this chapter.

1 (2) A service person's schedule is considered to be
2 interrupted if he or she does not work a continuous period in one
3 day. Aides are not regarded as working an interrupted schedule
4 when engaged exclusively in the duties of transporting students;

5 (3) The additional compensation provided for in this
6 subsection:

7 (A) Is equal to at least one-eighth of a service person's
8 total salary as provided by the state minimum pay scale and any
9 county pay supplement; and

10 (B) Is payable entirely from county board funds.

11 (g) When there is a change in classification or when a service
12 person meets the requirements of an advanced classification, his or
13 her salary shall be made to comply with the requirements of this
14 article and any county salary schedule in excess of the minimum
15 requirements of this article, based upon the service person's
16 advanced classification and allowable years of employment.

17 (h) A service person's contract, as provided in section five,
18 article two of this chapter, shall state the appropriate monthly
19 salary the employee is to be paid, based on the class title as
20 provided in this article and on any county salary schedule in
21 excess of the minimum requirements of this article.

22 (i) The column heads of the state minimum pay scale and class
23 titles, set forth in section eight-a of this article, are defined
24 as follows:

1 (1) "Pay grade" means the monthly salary applicable to class
2 titles of service personnel;

3 (2) "Years of employment" means the number of years which an
4 employee classified as a service person has been employed by a
5 county board in any position prior to or subsequent to the
6 effective date of this section and includes service in the Armed
7 Forces of the United States, if the employee was employed at the
8 time of his or her induction. For the purpose of section eight-a
9 of this article, years of employment is limited to the number of
10 years shown and allowed under the state minimum pay scale as set
11 forth in section eight-a of this article;

12 (3) "Class title" means the name of the position or job held
13 by a service person;

14 (4) "Accountant I" means a person employed to maintain payroll
15 records and reports and perform one or more operations relating to
16 a phase of the total payroll;

17 (5) "Accountant II" means a person employed to maintain
18 accounting records and to be responsible for the accounting process
19 associated with billing, budgets, purchasing and related
20 operations;

21 (6) "Accountant III" means a person employed in the county
22 board office to manage and supervise accounts payable, payroll
23 procedures, or both;

24 (7) "Accounts payable supervisor" means a person employed in

1 the county board office who has primary responsibility for the
2 accounts payable function and who either has completed twelve
3 college hours of accounting courses from an accredited institution
4 of higher education or has at least eight years of experience
5 performing progressively difficult accounting tasks.

6 Responsibilities of this class title may include supervision of
7 other personnel;

8 (8) "Administrative Assistant" means personnel employed to
9 assist the county superintendent of schools or other administrators
10 in charge of various instructional, maintenance, transportation,
11 food services, operations, health departments or federal programs
12 or departments with particular responsibilities of purchasing and
13 financial control and who exercise significant administrative
14 duties;

15 ~~(8)~~ (9) "Aide I" means a person selected and trained for a
16 teacher-aide classification such as monitor aide, clerical aide,
17 classroom aide or general aide;

18 ~~(9)~~ (10) "Aide II" means a service person referred to in the
19 "Aide I" classification who has completed a training program
20 approved by the state board, or who holds a high school diploma or
21 has received a general educational development certificate. Only
22 a person classified in an Aide II class title may be employed as an
23 aide in any special education program;

24 ~~(10)~~ (11) "Aide III" means a service person referred to in the

1 "Aide I" classification who holds a high school diploma or a
2 general educational development certificate; and

3 (A) Has completed six semester hours of college credit at an
4 institution of higher education; or

5 (B) Is employed as an aide in a special education program and
6 has one year's experience as an aide in special education;

7 ~~(11)~~ (12) "Aide IV" means a service person referred to in the
8 "Aide I" classification who holds a high school diploma or a
9 general educational development certificate; and

10 (A) Has completed eighteen hours of state board-approved
11 college credit at a regionally accredited institution of higher
12 education, or

13 (B) Has completed fifteen hours of state board-approved
14 college credit at a regionally accredited institution of higher
15 education; and has successfully completed an in-service training
16 program determined by the state board to be the equivalent of three
17 hours of college credit;

18 ~~(12)~~ (13) "Audiovisual technician" means a person employed to
19 perform minor maintenance on audiovisual equipment, films, and
20 supplies and who fills requests for equipment;

21 ~~(13)~~ (14) "Auditor" means a person employed to examine and
22 verify accounts of individual schools and to assist schools and
23 school personnel in maintaining complete and accurate records of
24 their accounts;

1 ~~(14)~~ (15) "Autism mentor" means a person who works with
2 autistic students and who meets standards and experience to be
3 determined by the state board. A person who has held or holds an
4 aide title and becomes employed as an autism mentor shall hold a
5 multiclassification status that includes both aide and autism
6 mentor titles, in accordance with section eight-b of this article;

7 ~~(15)~~ (16) "Braille or sign language specialist" means a person
8 employed to provide braille and/or sign language assistance to
9 students. A service person who has held or holds an aide title and
10 becomes employed as a braille or sign language specialist shall
11 hold a multiclassification status that includes both aide and
12 braille or sign language specialist title, in accordance with
13 section eight-b of this article;

14 ~~(16)~~ (17) "Bus operator" means a person employed to operate
15 school buses and other school transportation vehicles as provided
16 by the state board;

17 ~~(17)~~ (18) "Buyer" means a person employed to review and write
18 specifications, negotiate purchase bids and recommend purchase
19 agreements for materials and services that meet predetermined
20 specifications at the lowest available costs;

21 ~~(18)~~ (19) "Cabinetmaker" means a person employed to construct
22 cabinets, tables, bookcases and other furniture;

23 ~~(19)~~ (20) "Cafeteria manager" means a person employed to
24 direct the operation of a food services program in a school,

1 including assigning duties to employees, approving requisitions for
2 supplies and repairs, keeping inventories, inspecting areas to
3 maintain high standards of sanitation, preparing financial reports
4 and keeping records pertinent to food services of a school;

5 ~~(20)~~ (21) "Carpenter I" means a person classified as a
6 carpenter's helper;

7 ~~(21)~~ (22) "Carpenter II" means a person classified as a
8 journeyman carpenter;

9 ~~(22)~~ (23) "Chief mechanic" means a person employed to be
10 responsible for directing activities which ensure that student
11 transportation or other county board-owned vehicles are properly
12 and safely maintained;

13 ~~(23)~~ (24) "Clerk I" means a person employed to perform
14 clerical tasks;

15 ~~(24)~~ (25) "Clerk II" means a person employed to perform
16 general clerical tasks, prepare reports and tabulations and operate
17 office machines;

18 ~~(25)~~ (26) "Computer operator" means a qualified person
19 employed to operate computers;

20 ~~(26)~~ (27) "Cook I" means a person employed as a cook's helper;

21 ~~(27)~~ (28) "Cook II" means a person employed to interpret menus
22 and to prepare and serve meals in a food service program of a
23 school. This definition includes a service person who has been
24 employed as a "Cook I" for a period of four years;

1 ~~(28)~~ (29) "Cook III" means a person employed to prepare and
2 serve meals, make reports, prepare requisitions for supplies, order
3 equipment and repairs for a food service program of a school
4 system;

5 ~~(29)~~ (30) "Crew leader" means a person employed to organize
6 the work for a crew of maintenance employees to carry out assigned
7 projects;

8 ~~(30)~~ (31) "Custodian I" means a person employed to keep
9 buildings clean and free of refuse;

10 ~~(31)~~ (32) "Custodian II" means a person employed as a watchman
11 or groundsman;

12 ~~(32)~~ (33) "Custodian III" means a person employed to keep
13 buildings clean and free of refuse, to operate the heating or
14 cooling systems and to make minor repairs;

15 ~~(33)~~ (34) "Custodian IV" means a person employed as head
16 custodians. In addition to providing services as defined in
17 "custodian III," duties may include supervising other custodian
18 personnel;

19 ~~(34)~~ (35) "Director or coordinator of services" means an
20 employee of a county board who is assigned to direct a department
21 or division.

22 (A) Nothing in this subdivision prohibits a professional
23 person or a professional educator from holding this class title;

24 (B) Professional personnel holding this class title may not be

1 defined or classified as service personnel unless the professional
2 person held a service personnel title under this section prior to
3 holding the class title of "director or coordinator of services."

4 (C) The director or coordinator of services shall be
5 classified either as a professional person or a service person for
6 state aid formula funding purposes;

7 (D) Funding for the position of director or coordinator of
8 services is based upon the employment status of the director or
9 coordinator either as a professional person or a service person;
10 and

11 (E) A person employed under the class title "director or
12 coordinator of services" may not be exclusively assigned to perform
13 the duties ascribed to any other class title as defined in this
14 subsection: *Provided*, That nothing in this paragraph prohibits a
15 person in this position from being multiclassified;

16 ~~(35)~~ (36) "Draftsman" means a person employed to plan, design
17 and produce detailed architectural/engineering drawings;

18 ~~(36)~~ (37) "Electrician I" means a person employed as an
19 apprentice electrician helper or one who holds an electrician
20 helper license issued by the state Fire Marshal;

21 ~~(37)~~ (38) "Electrician II" means a person employed as an
22 electrician journeyman or one who holds a journeyman electrician
23 license issued by the state Fire Marshal;

24 ~~(38)~~ (39) "Electronic technician I" means a person employed at

1 the apprentice level to repair and maintain electronic equipment;

2 ~~(39)~~ (40) "Electronic technician II" means a person employed
3 at the journeyman level to repair and maintain electronic
4 equipment;

5 ~~(40)~~ (41) "Executive secretary" means a person employed as
6 secretary to the county school superintendent or as a secretary who
7 is assigned to a position characterized by significant
8 administrative duties;

9 ~~(41)~~ (42) "Food services supervisor" means a qualified person
10 who is not a professional person or professional educator as
11 defined in section one, article one of this chapter. The food
12 services supervisor is employed to manage and supervise a county
13 school system's food service program. The duties include preparing
14 in-service training programs for cooks and food service employees,
15 instructing personnel in the areas of quantity cooking with economy
16 and efficiency and keeping aggregate records and reports;

17 ~~(42)~~ (43) "Foreman" means a skilled person employed to
18 supervise personnel who work in the areas of repair and maintenance
19 of school property and equipment;

20 ~~(43)~~ (44) "General maintenance" means a person employed as a
21 helper to skilled maintenance employees and to perform minor
22 repairs to equipment and buildings of a county school system;

23 ~~(44)~~ (45) "Glazier" means a person employed to replace glass
24 or other materials in windows and doors and to do minor carpentry

1 tasks;

2 ~~(45)~~ (46) "Graphic artist" means a person employed to prepare
3 graphic illustrations;

4 ~~(46)~~ (47) "Groundsman" means a person employed to perform
5 duties that relate to the appearance, repair and general care of
6 school grounds in a county school system. Additional assignments
7 may include the operation of a small heating plant and routine
8 cleaning duties in buildings;

9 ~~(47)~~ (48) "Handyman" means a person employed to perform
10 routine manual tasks in any operation of the county school system;

11 ~~(48)~~ (49) "Heating and air conditioning mechanic I" means a
12 person employed at the apprentice level to install, repair and
13 maintain heating and air conditioning plants and related electrical
14 equipment;

15 ~~(49)~~ (50) "Heating and air conditioning mechanic II" means a
16 person employed at the journeyman level to install, repair and
17 maintain heating and air conditioning plants and related electrical
18 equipment;

19 ~~(50)~~ (51) "Heavy equipment operator" means a person employed
20 to operate heavy equipment;

21 ~~(51)~~ (52) "Inventory supervisor" means a person employed to
22 supervise or maintain operations in the receipt, storage, inventory
23 and issuance of materials and supplies;

24 ~~(52)~~ (53) "Key punch operator" means a qualified person

1 employed to operate key punch machines or verifying machines;

2 (54) "Legal secretary" means personnel employed to assist the
3 board's legal counsel or other employee primarily engaged in the
4 board's legal matters, and who transcribes or prepares transcripts
5 of grievance or other hearings, schedules hearings, transcribes or
6 otherwise prepares notices, correspondence or other documents
7 pertaining to the board's legal or grievance matters, and conducts
8 research as directed by counsel or others;

9 ~~(53)~~ (55) "Licensed practical nurse" means a nurse, licensed
10 by the West Virginia Board of Examiners for Licensed Practical
11 Nurses, employed to work in a public school under the supervision
12 of a school nurse;

13 ~~(54)~~ (56) "Locksmith" means a person employed to repair and
14 maintain locks and safes;

15 ~~(55)~~ (57) "Lubrication man" means a person employed to
16 lubricate and service gasoline or diesel-powered equipment of a
17 county school system;

18 ~~(56)~~ (58) "Machinist" means a person employed to perform
19 machinist tasks which include the ability to operate a lathe,
20 planer, shaper, threading machine and wheel press. A person
21 holding this class title also should have the ability to work from
22 blueprints and drawings;

23 ~~(57)~~ (59) "Mail clerk" means a person employed to receive,
24 sort, dispatch, deliver or otherwise handle letters, parcels and

1 other mail;

2 ~~(58)~~ (60) "Maintenance clerk" means a person employed to
3 maintain and control a stocking facility to keep adequate tools and
4 supplies on hand for daily withdrawal for all school maintenance
5 crafts;

6 ~~(59)~~ (61) "Mason" means a person employed to perform tasks
7 connected with brick and block laying and carpentry tasks related
8 to these activities;

9 ~~(60)~~ (62) "Mechanic" means a person employed to perform
10 skilled duties independently in the maintenance and repair of
11 automobiles, school buses and other mechanical and mobile equipment
12 to use in a county school system;

13 ~~(61)~~ (63) "Mechanic assistant" means a person employed as a
14 mechanic apprentice and helper;

15 ~~(62)~~ (64) "Multiclassification" means a person employed to
16 perform tasks that involve the combination of two or more class
17 titles in this section. In these instances the minimum salary
18 scale shall be the higher pay grade of the class titles involved;

19 ~~(63)~~ (65) "Office equipment repairman I" means a person
20 employed as an office equipment repairman apprentice or helper;

21 ~~(64)~~ (66) "Office equipment repairman II" means a person
22 responsible for servicing and repairing all office machines and
23 equipment. A person holding this class title is responsible for
24 the purchase of parts necessary for the proper operation of a

1 program of continuous maintenance and repair;

2 ~~(65)~~ (67) "Painter" means a person employed to perform duties
3 painting, finishing and decorating wood, metal and concrete
4 surfaces of buildings, other structures, equipment, machinery and
5 furnishings of a county school system;

6 ~~(66)~~ (68) "Paraprofessional" means a person certified pursuant
7 to section two-a, article three of this chapter to perform duties
8 in a support capacity including, but not limited to, facilitating
9 in the instruction and direct or indirect supervision of students
10 under the direction of a principal, a teacher or another designated
11 professional educator.

12 (A) A person employed on the effective date of this section in
13 the position of an aide may not be subject to a reduction in force
14 or transferred to create a vacancy for the employment of a
15 paraprofessional;

16 (B) A person who has held or holds an aide title and becomes
17 employed as a paraprofessional shall hold a multiclassification
18 status that includes both aide and paraprofessional titles in
19 accordance with section eight-b of this article; and

20 (C) When a service person who holds an aide title becomes
21 certified as a paraprofessional and is required to perform duties
22 that may not be performed by an aide without paraprofessional
23 certification, he or she shall receive the paraprofessional title
24 pay grade;

1 ~~(67)~~ (69) "Payroll supervisor" means a person employed in the
2 county board office who has primary responsibility for the payroll
3 function and who either has completed twelve college hours of
4 accounting from an accredited institution of higher education or
5 has at least eight years of experience performing progressively
6 difficult accounting tasks. Responsibilities of this class title
7 may include supervision of other personnel;

8 ~~(68)~~ (70) "Plumber I" means a person employed as an apprentice
9 plumber and helper;

10 ~~(69)~~ (71) "Plumber II" means a person employed as a journeyman
11 plumber;

12 ~~(70)~~ (72) "Printing operator" means a person employed to
13 operate duplication equipment, and to cut, collate, staple, bind
14 and shelve materials as required;

15 ~~(71)~~ (73) "Printing supervisor" means a person employed to
16 supervise the operation of a print shop;

17 ~~(72)~~ (74) "Programmer" means a person employed to design and
18 prepare programs for computer operation;

19 ~~(73)~~ (75) "Roofing/sheet metal mechanic" means a person
20 employed to install, repair, fabricate and maintain roofs, gutters,
21 flashing and duct work for heating and ventilation;

22 ~~(74)~~ (76) "Sanitation plant operator" means a person employed
23 to operate and maintain a water or sewage treatment plant to ensure
24 the safety of the plant's effluent for human consumption or

1 environmental protection;

2 ~~(75)~~ (77) "School bus supervisor" means a qualified person:

3 (A) Employed to assist in selecting school bus operators and
4 routing and scheduling school buses, operate a bus when needed,
5 relay instructions to bus operators, plan emergency routing of
6 buses and promote good relationships with parents, students, bus
7 operators and other employees; and

8 (B) Certified to operate a bus or previously certified to
9 operate a bus;

10 ~~(76)~~ (78) "Secretary I" means a person employed to transcribe
11 from notes or mechanical equipment, receive callers, perform
12 clerical tasks, prepare reports and operate office machines;

13 ~~(77)~~ (79) "Secretary II" means a person employed in any
14 elementary, secondary, kindergarten, nursery, special education,
15 vocational or any other school as a secretary. The duties may
16 include performing general clerical tasks; transcribing from notes,
17 stenotype, mechanical equipment or a sound-producing machine;
18 preparing reports; receiving callers and referring them to proper
19 persons; operating office machines; keeping records and handling
20 routine correspondence. Nothing in this subdivision prevents a
21 service person from holding or being elevated to a higher
22 classification;

23 ~~(78)~~ (80) "Secretary III" means a person assigned to the
24 county board office administrators in charge of various

1 instructional, maintenance, transportation, food services,
2 operations and health departments, federal programs or departments
3 with particular responsibilities in purchasing and financial
4 control or any person who has served for eight years in a position
5 which meets the definition of "secretary II" or "secretary III";

6 ~~(79)~~ (81) "Supervisor of maintenance" means a skilled person
7 who is not a professional person or professional educator as
8 defined in section one, article one of this chapter. The
9 responsibilities include directing the upkeep of buildings and
10 shops, and issuing instructions to subordinates relating to
11 cleaning, repairs and maintenance of all structures and mechanical
12 and electrical equipment of a county board;

13 ~~(80)~~ (82) "Supervisor of transportation" means a qualified
14 person employed to direct school transportation activities properly
15 and safely, and to supervise the maintenance and repair of
16 vehicles, buses and other mechanical and mobile equipment used by
17 the county school system. After July 1, 2010, all persons employed
18 for the first time in a position with this classification title or
19 in a multiclassification position that includes this title shall
20 have five years of experience working in the transportation
21 department of a county board. Experience working in the
22 transportation department shall consist of serving as a bus
23 operator, bus aide, assistant mechanic, mechanic, chief mechanic or
24 in a clerical position within the transportation department;

1 ~~(81)~~ (83) "Switchboard operator-receptionist" means a person
2 employed to refer incoming calls, to assume contact with the
3 public, to direct and to give instructions as necessary, to operate
4 switchboard equipment and to provide clerical assistance;

5 ~~(82)~~ (84) "Truck driver" means a person employed to operate
6 light or heavy duty gasoline and diesel-powered vehicles;

7 ~~(83)~~ (85) "Warehouse clerk" means a person employed to be
8 responsible for receiving, storing, packing and shipping goods;

9 ~~(84)~~ (86) "Watchman" means a person employed to protect school
10 property against damage or theft. Additional assignments may
11 include operation of a small heating plant and routine cleaning
12 duties;

13 ~~(85)~~ (87) "Welder" means a person employed to provide
14 acetylene or electric welding services for a school system; and

15 ~~(86)~~ (88) "WVEIS data entry and administrative clerk" means a
16 person employed to work under the direction of a school principal
17 to assist the school counselor or counselors in the performance of
18 administrative duties, to perform data entry tasks on the West
19 Virginia Education Information System, and to perform other
20 administrative duties assigned by the principal.

21 (j) Notwithstanding any provision in this code to the
22 contrary, and in addition to the compensation provided for service
23 personnel in section eight-a of this article, each service person
24 is entitled to all service personnel employee rights, privileges

1 and benefits provided under this or any other chapter of this code
2 without regard to the employee's hours of employment or the methods
3 or sources of compensation.

4 (k) A service person whose years of employment exceeds the
5 number of years shown and provided for under the state minimum pay
6 scale set forth in section eight-a of this article may not be paid
7 less than the amount shown for the maximum years of employment
8 shown and provided for in the classification in which he or she is
9 employed.

10 (l) Each county board shall review each service person's job
11 classification annually and shall reclassify all service persons as
12 required by the job classifications. The state superintendent may
13 withhold state funds appropriated pursuant to this article for
14 salaries for service personnel who are improperly classified by the
15 county boards. Further, the state superintendent shall order a
16 county board to correct immediately any improper classification
17 matter and, with the assistance of the Attorney General, shall take
18 any legal action necessary against any county board to enforce the
19 order.

20 (m) Without his or her written consent, a service person may
21 not be:

22 (1) Reclassified by class title; or

23 (2) Relegated to any condition of employment which would
24 result in a reduction of his or her salary, rate of pay,

1 compensation or benefits earned during the current fiscal year; or
2 for which he or she would qualify by continuing in the same job
3 position and classification held during that fiscal year and
4 subsequent years.

5 (n) Any county board failing to comply with the provisions of
6 this article may be compelled to do so by mandamus and is liable to
7 any party prevailing against the board for court costs and the
8 prevailing party's reasonable attorney fee, as determined and
9 established by the court.

10 (o) Notwithstanding any provision of this code to the
11 contrary, a service person who holds a continuing contract in a
12 specific job classification and who is physically unable to perform
13 the job's duties as confirmed by a physician chosen by the
14 employee, shall be given priority status over any employee not
15 holding a continuing contract in filling other service personnel
16 job vacancies if the service person is qualified as provided in
17 section eight-e of this article.

18 (p) Any person employed in an aide position on the effective
19 date of this section may not be transferred or subject to a
20 reduction in force for the purpose of creating a vacancy for the
21 employment of a licensed practical nurse.

22 (q) Without the written consent of the service person, a
23 county board may not establish the beginning work station for a bus
24 operator or transportation aide at any site other than a county

1 board-owned facility with available parking. The workday of the
2 bus operator or transportation aide commences at the bus at the
3 designated beginning work station and ends when the employee is
4 able to leave the bus at the designated beginning work station,
5 unless he or she agrees otherwise in writing. The application or
6 acceptance of a posted position may not be construed as the written
7 consent referred to in this subsection.

8 (r) Itinerant status means a service person who does not have
9 a fixed work site and may be involuntarily reassigned to another
10 work site. A service person is considered to hold itinerant status
11 if he or she has bid upon a position posted as itinerant or has
12 agreed to accept this status. A county board may establish
13 positions with itinerant status only within the aide and autism
14 mentor classification categories and only when the job duties
15 involve exceptional students. A service person with itinerant
16 status may be assigned to a different work site upon written notice
17 ten days prior to the reassignment without the consent of the
18 employee and without posting the vacancy. A service person with
19 itinerant status may be involuntarily reassigned no more than twice
20 during the school year. At the conclusion of each school year, the
21 county board shall post and fill, pursuant to section eight-b of
22 this article, all positions that have been filled without posting
23 by a service person with itinerant status. A service person who is
24 assigned to a beginning and ending work site and travels at the

1 expense of the county board to other work sites during the daily
 2 schedule, shall not be considered to hold itinerant status.

3 **§18A-4-8a. Service personnel minimum monthly salaries.**

4 (a) The minimum monthly pay for each service employee whose
 5 employment is for a period of more than three and one-half hours a
 6 day shall be at least the amounts indicated in the state minimum
 7 pay scale pay grade and the minimum monthly pay for each service
 8 employee whose employment is for a period of three and one-half
 9 hours or less a day shall be at least one-half the amount indicated
 10 in the state minimum pay scale pay grade set forth in this section.

11 **STATE MINIMUM PAY SCALE PAY GRADE**

12	Years	PAY GRADE							
13	Exp.	A	B	C	D	E	F	G	H
14	0	1577	1598	1639	1691	1743	1805	1836	1908
15	1	1609	1630	1671	1723	1775	1837	1868	1940
16	2	1641	1662	1703	1755	1807	1869	1900	1972
17	3	1673	1694	1735	1787	1839	1901	1932	2004
18	4	1705	1726	1767	1819	1871	1933	1964	2037
19	5	1737	1758	1799	1851	1903	1965	1996	2069
20	6	1769	1790	1832	1883	1935	1997	2028	2101
21	7	1802	1822	1864	1915	1967	2029	2060	2133
22	8	1834	1854	1896	1947	1999	2061	2092	2165
23	9	1866	1886	1928	1980	2031	2093	2124	2197
24	10	1898	1919	1960	2012	2063	2126	2157	2229
25	11	1930	1951	1992	2044	2095	2158	2189	2261
26	12	1962	1983	2024	2076	2128	2190	2221	2293
27	13	1994	2015	2056	2108	2160	2222	2253	2325

1	Accountant I	D
2	Accountant II	E
3	Accountant III	F
4	Accounts Payable Supervisor	G
5	<u>Administrative Assistant</u>	<u>H</u>
6	Aide I	A
7	Aide II	B
8	Aide III	C
9	Aide IV	D
10	Audiovisual Technician	C
11	Auditor	G
12	Autism Mentor	F
13	Braille or Sign Language Specialist	E
14	Bus Operator	D
15	Buyer	F
16	Cabinetmaker	G
17	Cafeteria Manager	D
18	Carpenter I	E
19	Carpenter II	F
20	Chief Mechanic	G
21	Clerk I	B
22	Clerk II.....	C
23	Computer Operator	E
24	Cook I	A

1	Cook II	B
2	Cook III	C
3	Crew Leader	F
4	Custodian I	A
5	Custodian II	B
6	Custodian III	C
7	Custodian IV	D
8	Director or Coordinator of Services	H
9	Draftsman	D
10	Electrician I	F
11	Electrician II	G
12	Electronic Technician I	F
13	Electronic Technician II	G
14	Executive Secretary	G
15	Food Services Supervisor	G
16	Foreman	G
17	General Maintenance	C
18	Glazier	D
19	Graphic Artist	D
20	Groundsman	B
21	Handyman	B
22	Heating and Air Conditioning Mechanic I	E
23	Heating and Air Conditioning Mechanic II	G
24	Heavy Equipment Operator	E

1	Inventory Supervisor	D
2	Key Punch Operator	B
3	<u>Legal Secretary</u>	<u>H</u>
4	Licensed Practical Nurse	F
5	Locksmith	G
6	Lubrication Man	C
7	Machinist	F
8	Mail Clerk	D
9	Maintenance Clerk	C
10	Mason	G
11	Mechanic	F
12	Mechanic Assistant	E
13	Office Equipment Repairman I	F
14	Office Equipment Repairman II	G
15	Painter	E
16	Paraprofessional	F
17	Payroll Supervisor	G
18	Plumber I	E
19	Plumber II	G
20	Printing Operator	B
21	Printing Supervisor	D
22	Programmer	H
23	Roofing/Sheet Metal Mechanic	F
24	Sanitation Plant Operator	G

1	School Bus Supervisor	E
2	Secretary I	D
3	Secretary II	E
4	Secretary III	F
5	Supervisor of Maintenance	H
6	Supervisor of Transportation	H
7	Switchboard Operator-Receptionist	D
8	Truck Driver	D
9	Warehouse Clerk	C
10	Watchman	B
11	Welder	F
12	WVEIS Data Entry and Administrative Clerk	B

13 (b) An additional \$12 per month shall be added to the minimum
14 monthly pay of each service employee who holds a high school
15 diploma or its equivalent.

16 (c) An additional \$11 per month also shall be added to the
17 minimum monthly pay of each service employee for each of the
18 following:

19 (1) A service employee who holds twelve college hours or
20 comparable credit obtained in a trade or vocational school as
21 approved by the state board;

22 (2) A service employee who holds twenty-four college hours or
23 comparable credit obtained in a trade or vocational school as
24 approved by the state board;

1 (3) A service employee who holds thirty-six college hours or
2 comparable credit obtained in a trade or vocational school as
3 approved by the state board;

4 (4) A service employee who holds forty-eight college hours or
5 comparable credit obtained in a trade or vocational school as
6 approved by the state board;

7 (5) A service employee who holds sixty college hours or
8 comparable credit obtained in a trade or vocational school as
9 approved by the state board;

10 (6) A service employee who holds seventy-two college hours or
11 comparable credit obtained in a trade or vocational school as
12 approved by the state board;

13 (7) A service employee who holds eighty-four college hours or
14 comparable credit obtained in a trade or vocational school as
15 approved by the state board;

16 (8) A service employee who holds ninety-six college hours or
17 comparable credit obtained in a trade or vocational school as
18 approved by the state board;

19 (9) A service employee who holds one hundred eight college
20 hours or comparable credit obtained in a trade or vocational school
21 as approved by the state board;

22 (10) A service employee who holds one hundred twenty college
23 hours or comparable credit obtained in a trade or vocational school
24 as approved by the state board;

1 (d) An additional \$40 per month also shall be added to the
2 minimum monthly pay of each service employee for each of the
3 following:

4 (1) A service employee who holds an associate's degree;

5 (2) A service employee who holds a bachelor's degree;

6 (3) A service employee who holds a master's degree;

7 (4) A service employee who holds a doctorate degree.

8 (e) An additional \$11 per month shall be added to the minimum
9 monthly pay of each service employee for each of the following:

10 (1) A service employee who holds a bachelor's degree plus
11 fifteen college hours;

12 (2) A service employee who holds a master's degree plus
13 fifteen college hours;

14 (3) A service employee who holds a master's degree plus thirty
15 college hours;

16 (4) A service employee who holds a master's degree plus forty-
17 five college hours; and

18 (5) A service employee who holds a master's degree plus sixty
19 college hours.

20 (f) When any part of a school service employee's daily shift
21 of work is performed between the hours of six p.m. and five a.m.
22 the following day, the employee shall be paid no less than an
23 additional \$10 per month and one half of the pay shall be paid with
24 local funds.

1 (g) Any service employee required to work on any legal school
2 holiday shall be paid at a rate one and one-half times the
3 employee's usual hourly rate.

4 (h) Any full-time service personnel required to work in excess
5 of their normal working day during any week which contains a school
6 holiday for which they are paid shall be paid for the additional
7 hours or fraction of the additional hours at a rate of one and one-
8 half times their usual hourly rate and paid entirely from county
9 board funds.

10 (i) No service employee may have his or her daily work
11 schedule changed during the school year without the employee's
12 written consent and the employee's required daily work hours may
13 not be changed to prevent the payment of time and one-half wages or
14 the employment of another employee.

15 (j) The minimum hourly rate of pay for extra duty assignments
16 as defined in section eight-b of this article shall be no less than
17 one-seventh of the employee's daily total salary for each hour the
18 employee is involved in performing the assignment and paid entirely
19 from local funds: *Provided*, That an alternative minimum hourly
20 rate of pay for performing extra duty assignments within a
21 particular category of employment may be used if the alternate
22 hourly rate of pay is approved both by the county board and by the
23 affirmative vote of a two-thirds majority of the regular full-time
24 employees within that classification category of employment within

1 that county: *Provided, however,* That the vote shall be by secret
2 ballot if requested by a service personnel employee within that
3 classification category within that county. The salary for any
4 fraction of an hour the employee is involved in performing the
5 assignment shall be prorated accordingly. When performing extra
6 duty assignments, employees who are regularly employed on a one-
7 half day salary basis shall receive the same hourly extra duty
8 assignment pay computed as though the employee were employed on a
9 full-day salary basis.

10 (k) The minimum pay for any service personnel employees
11 engaged in the removal of asbestos material or related duties
12 required for asbestos removal shall be their regular total daily
13 rate of pay and no less than an additional \$3 per hour or no less
14 than \$5 per hour for service personnel supervising asbestos removal
15 responsibilities for each hour these employees are involved in
16 asbestos related duties. Related duties required for asbestos
17 removal include, but are not limited to, travel, preparation of the
18 work site, removal of asbestos decontamination of the work site,
19 placing and removal of equipment and removal of structures from the
20 site. If any member of an asbestos crew is engaged in asbestos
21 related duties outside of the employee's regular employment county,
22 the daily rate of pay shall be no less than the minimum amount as
23 established in the employee's regular employment county for
24 asbestos removal and an additional \$30 per each day the employee is

1 engaged in asbestos removal and related duties. The additional pay
2 for asbestos removal and related duties shall be payable entirely
3 from county funds. Before service personnel employees may be used
4 in the removal of asbestos material or related duties, they shall
5 have completed a federal Environmental Protection Act approved
6 training program and be licensed. The employer shall provide all
7 necessary protective equipment and maintain all records required by
8 the Environmental Protection Act.

9 (1) For the purpose of qualifying for additional pay as
10 provided in section eight, article five of this chapter, an aide
11 shall be considered to be exercising the authority of a supervisory
12 aide and control over pupils if the aide is required to supervise,
13 control, direct, monitor, escort or render service to a child or
14 children when not under the direct supervision of certified
15 professional personnel within the classroom, library, hallway,
16 lunchroom, gymnasium, school building, school grounds or wherever
17 supervision is required. For purposes of this section, "under the
18 direct supervision of certified professional personnel" means that
19 certified professional personnel is present, with and accompanying
20 the aide.

NOTE: The purpose of this bill is to establish the school
service personnel class title and pay grade for the positions of
"Administrative Assistant" and "Legal Secretary."

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.