

Senate Bill No. 374

(By Senators Plymale and Foster)

[Introduced February 1, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

10 A BILL to amend and reenact §18A-2-4 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a
12 and §18A-4-8b of said code, all relating to public education
13 service personnel; requiring county boards to bear the cost of
14 certification renewal for personnel with the class title of
15 Sign Language Interpreter I or II under certain conditions;
16 declaring that time devoted to the process of maintaining or
17 acquiring certification that is a condition of employment
18 constitutes continuing education; deleting certain defined
19 class titles and including service personnel employed under
20 certain deleted class titles under other existing class titles
21 or new class titles; removing Sign Language Specialist from
22 the Braille or Sign Language Specialist class title;
23 prohibiting employment for the first time of a service person
24 as a Food Services Supervisor after a certain date; changing

1 the class title Graphic Artist to Graphic Designer and
2 expanding definition; changing the class title Mail Clerk to
3 Mail Carrier; adding the class titles Sign Language
4 Interpreter I and II; and amending class titles that are to be
5 considered as a single classification of employment.

6 *Be it enacted by the Legislature of West Virginia:*

7 That §18A-2-4 of the Code of West Virginia, 1931, as amended,
8 be amended and reenacted; and that §18A-4-8, §18A-4-8a and §18A-4-
9 8b of said code be amended and reenacted, all to read as follows:

10 **ARTICLE 2. SCHOOL PERSONNEL.**

11 **§18A-2-4. Commercial driver's license for school personnel;**
12 **intrastate waiver for bus operators diagnosed with**
13 **diabetes mellitus requiring insulin; reimbursement**
14 **of electrician's commercial driver's license and**
15 **sign language interpreter certification when**
16 **required.**

17 (a) If a commercial driver's license is required as a
18 condition of employment for any school employee or qualified
19 applicant who becomes an employee by a county board, ~~of education~~
20 the cost shall be paid in full by the employer.

21 It is unlawful for any county board of education to require
22 any employee or applicant who becomes an employee of the board to
23 pay the cost of acquiring a commercial driver's license as a
24 condition of employment.

1 (b) The Division of Motor Vehicles shall accept the West
2 Virginia Department of Education physical and psychomotor test
3 result forms in lieu of the Division of Motor Vehicles vision
4 report form.

5 (c) A ~~school~~ Bus Operator who is currently employed by a
6 county board of education or who is otherwise subject to state
7 board rules governing ~~school~~ Bus Operators and who is diagnosed
8 with diabetes mellitus requiring insulin is not ineligible for
9 employment as a ~~school~~ Bus Operator because of the diagnosis if the
10 operator is issued a passenger endorsement for his or her
11 commercial driver license through the intrastate waiver program
12 pertaining to diabetes of the West Virginia Division of Motor
13 Vehicles, subject to the following:

14 (1) A copy of the information required to be submitted to the
15 Division of Motor Vehicles for waiver application and proof of
16 passenger endorsement under the waiver program is submitted to his
17 or her employer; and

18 (2) The operator remains in compliance with the stipulations
19 of and grounds for eligibility for the intrastate waiver.

20 (d) If a county board of education requires of any employee
21 who is employed as an electrician any license renewal when the
22 employee is exempt from renewing the license pursuant to section
23 three, article three-b, chapter twenty-nine of this code, the cost
24 of ~~such~~ the license renewal shall be paid in full by the county

1 board. ~~of education~~

2 (e) If an employee who is employed as a Sign Language
3 Interpreter I or II is required to undertake any training or
4 continuing education in order to renew or maintain certification as
5 a Sign Language Interpreter I or II, the cost of the certification
6 renewal shall be paid in full by the county board.

7 (f) Time devoted to the process of maintaining or acquiring
8 certification, including instructional time, training and testing,
9 that is a condition of employment for a service person shall
10 constitute continuing education for meeting the annual continuing
11 education requirements required by state board rule.

12 ~~(e)~~ (g) Compliance with or failure to comply by a health care
13 provider licensed and authorized pursuant to chapter thirty of this
14 code, with the reporting requirements of the Division of Motor
15 Vehicles regarding the provisions of subsection (c) of this section
16 does not constitute negligence, nor may compliance or noncompliance
17 with the requirements of this section be admissible as evidence of
18 negligence in any civil or criminal action.

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

20 **§18A-4-8. Employment term and class titles of service personnel;**
21 **definitions.**

22 (a) The purpose of this section is to establish an employment
23 term and class titles for service personnel. The employment term
24 for service personnel may not be less than ten months. A month is

1 defined as twenty employment days. The county board may contract
2 with all or part of these service personnel for a longer term. The
3 beginning and closing dates of the ten-month employment term may
4 not exceed forty-three weeks.

5 (b) Service personnel employed on a yearly or twelve-month
6 basis may be employed by calendar months. Whenever there is a
7 change in job assignment during the school year, the minimum pay
8 scale and any county supplement are applicable.

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

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

17 (e) If a service person whose regular work week is scheduled
18 from Monday through Friday agrees to perform any work assignments
19 on a Saturday or Sunday, the service person shall be paid for at
20 least one-half day of work for each day he or she reports for work.
21 If the service person works more than three and one-half hours on
22 any Saturday or Sunday, he or she shall be paid for at least a full
23 day of work for each day.

24 (f) A custodian, aide, maintenance, office and school lunch

1 service person required to work a daily work schedule that is
2 interrupted shall be paid additional compensation in accordance
3 with this subsection.

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

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

12 (3) The additional compensation provided for in this
13 subsection:

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

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

18 (g) When there is a change in classification or when a service
19 person meets the requirements of an advanced classification, his or
20 her salary shall be made to comply with the requirements of this
21 article and any county salary schedule in excess of the minimum
22 requirements of this article, based upon the service person's
23 advanced classification and allowable years of employment.

24 (h) A service person's contract, as provided in section five,

1 article two of this chapter, shall state the appropriate monthly
2 salary the employee is to be paid, based on the class title as
3 provided in this article and on any county salary schedule in
4 excess of the minimum requirements of this article.

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

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

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

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

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

24 (5) "Accountant II" means a person employed to maintain

1 accounting records and to be responsible for the accounting process
2 associated with billing, budgets, purchasing and related
3 operations;

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

7 (7) "Accounts Payable Supervisor" means a person employed in
8 the county board office who has primary responsibility for the
9 accounts payable function and who either has completed twelve
10 college hours of accounting courses from an accredited institution
11 of higher education or has at least eight years of experience
12 performing progressively difficult accounting tasks.
13 Responsibilities of this class title may include supervision of
14 other personnel;

15 ~~(8) "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) (8) "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 selected and trained as a~~
24 ~~teacher-aide in such areas of responsibility as monitor aide,~~

1 clerical aide, classroom aide or general aide, subject to the
2 following:

3 (A) Any employee holding the Aide I classification title on
4 June 30, 2011, shall have that classification deleted from his or
5 her contract of employment and replaced with the classification
6 title of Aide II. This action does not require the employee to
7 take the aide competency test and does not result in a loss or
8 reduction of the employee's salary or supplement; and

9 (B) Seniority earned in the classification title of Aide I
10 prior to July 1, 2011, shall continue to be credited as seniority
11 earned in the aide classification category;

12 ~~(10)~~ (9) "Aide III" means a service person referred to in the
13 ~~"Aide I"~~ "Aide II" classification who holds a high school diploma
14 or a general educational development certificate; and

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

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

19 ~~(11)~~ (10) "Aide IV" means a service person referred to in the
20 ~~"Aide I"~~ "Aide II" classification who holds a high school diploma
21 or a general educational development certificate; and

22 (A) Has completed eighteen hours of state board-approved
23 college credit at a regionally accredited institution of higher
24 education; or

1 (B) Has completed fifteen hours of state board-approved
2 college credit at a regionally accredited institution of higher
3 education; and has successfully completed an in-service training
4 program determined by the state board to be the equivalent of three
5 hours of college credit;

6 ~~(12) "Audiovisual technician" means a person employed to~~
7 ~~perform minor maintenance on audiovisual equipment, films, and~~
8 ~~supplies and who fills requests for equipment;~~

9 ~~(13)~~ (11) "Auditor" means a person employed to examine and
10 verify accounts of individual schools and to assist schools and
11 school personnel in maintaining complete and accurate records of
12 their accounts;

13 ~~(14)~~ (12) "Autism Mentor" means a person who works with
14 autistic students and who meets standards and experience to be
15 determined by the state board. A person who has held or holds an
16 aide title and becomes employed as an Autism Mentor shall hold a
17 multiclassification status that includes both aide and Autism
18 Mentor titles, in accordance with section eight-b of this article;

19 ~~(15)~~ (13) "Braille ~~or sign language~~ Specialist" means a person
20 employed to provide braille ~~and/or sign language~~ assistance to
21 students. A service person who has held or holds an aide title and
22 becomes employed as a braille ~~or sign language~~ specialist shall
23 hold a multiclassification status that includes both aide and
24 braille ~~or sign language~~ specialist title, in accordance with

1 section eight-b of this article;

2 ~~(16)~~ (14) "Bus Operator" means a person employed to operate
3 school buses and other school transportation vehicles as provided
4 by the state board;

5 ~~(17)~~ (15) "Buyer" means a person employed to review and write
6 specifications, negotiate purchase bids and recommend purchase
7 agreements for materials and services that meet predetermined
8 specifications at the lowest available costs;

9 ~~(18)~~ (16) "Cabinetmaker" means a person employed to construct
10 cabinets, tables, bookcases and other furniture;

11 ~~(19)~~ (17) "Cafeteria Manager" means a person employed to
12 direct the operation of a food services program in a school,
13 including assigning duties to employees, approving requisitions for
14 supplies and repairs, keeping inventories, inspecting areas to
15 maintain high standards of sanitation, preparing financial reports
16 and keeping records pertinent to food services of a school;

17 ~~(20)~~ ~~"Carpenter I" means a person classified as a carpenter's~~
18 ~~helper;~~

19 ~~(21)~~ (18) "Carpenter II" means a person classified as a
20 journeyman carpenter, subject to the following:

21 (A) Any employee holding the classification title of Carpenter
22 I on June 30, 2011, shall have that class title deleted from his or
23 her contract of employment and replaced with the classification
24 title of Carpenter II. This action does not require the employee

1 to take the carpenter competency test and does not result in a loss
2 or reduction of the employee's salary or supplement; and

3 (B) Seniority earned in the classification title of Carpenter
4 I prior to July 1, 2011 shall be credited as seniority earned in
5 the carpenter classification category;

6 ~~(22)~~ (19) "Chief Mechanic" means a person employed to be
7 responsible for directing activities which ensure that student
8 transportation or other county board-owned vehicles are properly
9 and safely maintained;

10 ~~(23)~~ ~~"Clerk I" means a person employed to perform clerical~~
11 ~~tasks;~~

12 ~~(24)~~ (20) "Clerk II" means a person employed to perform
13 general clerical tasks, prepare reports and tabulations and operate
14 office machines, subject to the following:

15 (A) Any employee holding the classification title of Clerk I
16 on June 30, 2011, shall have that class title deleted from his or
17 her contract of employment and replaced with the classification
18 title of Clerk II. This action does not require the employee to
19 take the clerk competency test and does not result in a loss or
20 reduction of the employee's salary or supplement; and

21 (B) Seniority earned in the classification title of Clerk I
22 prior to July 1, 2011, shall be credited as seniority earned in the
23 clerk classification category;

24 ~~(25)~~ (21) "Computer Operator" means a qualified person

1 employed to operate computers;

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

3 ~~(27)~~ (22) "Cook II" means a person employed as a cook's
4 helper, to interpret menus and to prepare and serve meals in a food
5 service program of a school, subject to the following: ~~This~~
6 ~~definition includes a service person who has been employed as a~~
7 ~~"Cook I" for a period of four years~~

8 (A) Any employee holding the classification title of Cook I on
9 June 30, 2011, shall have that class title deleted from his or her
10 contract of employment and replaced with the classification title
11 of Cook II. This action does not require the employee to take the
12 cook competency test and does not result in a loss or reduction of
13 the employee's salary or supplement; and

14 (B) Seniority earned in the classification titles of Cook I
15 prior to July 1, 2011, shall continue to be credited as seniority
16 earned in the cook classification category;

17 ~~(28)~~ (23) "Cook III" means a person employed to prepare and
18 serve meals, make reports, prepare requisitions for supplies, order
19 equipment and repairs for a food service program of a school
20 system;

21 ~~(29) "Crew leader" means a person employed to organize the~~
22 ~~work for a crew of maintenance employees to carry out assigned~~
23 ~~projects;~~

24 ~~(30) "Custodian I" means a person employed to keep buildings~~

1 ~~clean and free of refuse;~~

2 ~~(31)~~ (24) "Custodian II" means a person employed ~~as a watchman~~
3 ~~or groundsman~~ to keep buildings clean and free of refuse, to
4 ensure that school buildings and grounds are secure and to maintain
5 the grounds of the facility to which the employee is assigned,
6 subject to the following:

7 (A) Any employee holding the classification title of Custodian
8 I on June 30, 2011, shall have that class title deleted from his or
9 her contract of employment and replaced with the classification
10 title of Custodian II. This action does not require the employee
11 to take the custodian competency test and does not result in a loss
12 or reduction of the employee's salary or supplement; and

13 (B) Seniority earned in the classification titles of Custodian
14 I prior to July 1, 2011, shall continue to be credited as seniority
15 earned in the custodian classification category;

16 ~~(32)~~ (25) "Custodian III" means a person employed to keep
17 buildings clean and free of refuse, to operate the heating or
18 cooling systems and to make minor repairs;

19 ~~(33)~~ (26) "Custodian IV" means a person employed as head
20 custodian. In addition to providing services as defined in
21 "custodian III," duties may include supervising other custodian
22 personnel;

23 ~~(34)~~ (27) "Director or Coordinator of Services" means an
24 employee of a county board who is assigned to direct a department

1 or division.

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

4 (B) Professional personnel holding this class title may not be
5 defined or classified as service personnel unless the professional
6 person held a service personnel title under this section prior to
7 holding the class title of "Director or Coordinator of Services."

8 (C) The Director or Coordinator of Services shall be
9 classified either as a professional person or a service person for
10 state aid formula funding purposes;

11 (D) Funding for the position of Director or Coordinator of
12 Services is based upon the employment status of the director or
13 coordinator either as a professional person or a service person;
14 and

15 (E) A person employed under the class title "Director or
16 Coordinator of Services" may not be exclusively assigned to perform
17 the duties ascribed to any other class title as defined in this
18 subsection: *Provided*, That nothing in this paragraph prohibits a
19 person in this position from being multiclassified;

20 ~~(35)~~ (28) "Draftsman" means a person employed to plan, design
21 and produce detailed architectural/engineering drawings;

22 ~~(36)~~ "Electrician I" means a person employed as an apprentice
23 electrician helper or one who holds an electrician helper license
24 issued by the State Fire Marshal;

1 ~~(37)~~ (29) "Electrician II" means a person employed as an
2 electrician journeyman or one who holds a journeyman electrician
3 license issued by the State Fire Marshal, subject to the following:

4 (A) Any employee holding the classification titles of
5 Electrician I on June 30, 2011 shall have that class title deleted
6 from his or her contract of employment and replaced with the
7 classification title of Electrician II. This action does not
8 require the employee to take the electrician competency test or to
9 obtain any additional licensure. This action does not result in a
10 loss or reduction of the employee's salary or supplement;

11 (B) Seniority earned in the classification titles of
12 Electrician I prior to July 1, 2011 shall continue to be credited
13 as seniority earned in the electrician classification category;

14 ~~(38)~~ ~~"Electronic technician I" means a person employed at the~~
15 ~~apprentice level to repair and maintain electronic equipment;~~

16 ~~(39)~~ ~~"Electronic technician II" means a person employed at the~~
17 ~~journeyman level to repair and maintain electronic equipment;~~

18 ~~(40)~~ (30) "Executive Secretary" means a person employed as
19 secretary to the county school superintendent or as a secretary who
20 is assigned to a position characterized by significant
21 administrative duties;

22 ~~(41)~~ (31) "Food Services Supervisor" means a qualified person
23 who is not a professional person or professional educator as
24 defined in section one, article one of this chapter. The Food

1 Services Supervisor is employed to manage and supervise a county
2 school system's food service program. The duties include preparing
3 in-service training programs for cooks and food service employees,
4 instructing personnel in the areas of quantity cooking with economy
5 and efficiency and keeping aggregate records and reports:

6 Provided, That after June 30, 2011, no employee shall be employed
7 as a Food Services Supervisor for the first time. An employee who
8 holds this classification retains the classification at the same
9 pay grade as provided by section eight-a of this article and an
10 employee who previously held that classification retains the
11 seniority earned in that classification category;

12 ~~(42)~~ (32) "Foreman" means a skilled person employed to
13 supervise personnel who work in the areas of repair and maintenance
14 of school property and equipment, subject to the following:

15 (A) Nothing in this definition prohibits a foreman from being
16 assigned work within the classification in addition to supervision
17 of other employees;

18 (B) Any employee holding the classification title of Crew
19 Leader on June 30, 2011, shall have that class title deleted from
20 his or her contract of employment and replaced with the
21 classification title of Foreman. This action does not require the
22 employee to take the foreman competency test and does not result in
23 a loss or reduction of the employee's salary or supplement;

24 (C) Seniority earned in the classification titles of Crew

1 Leader prior to July 1, 2011, shall be credited as seniority earned
2 in the Foreman classification category;

3 ~~(43)~~ (33) "General Maintenance" means a person employed as a
4 helper to skilled maintenance employees, and to perform minor
5 repairs to equipment and buildings of a county school system, to
6 perform routine manual tasks in any operation of the county school
7 system, to replace glass or other materials in windows and doors
8 and to do minor carpentry tasks, to maintain the appearance, repair
9 and general care of school grounds in a county school system and to
10 protect school property against damage or theft, subject to the
11 following:

12 (A) Any employee holding the classification title of
13 Groundsman, Handyman, Glazier or Watchman on June 30, 2011 shall
14 have that class title deleted from his or her contract of
15 employment and replaced with the classification title of General
16 Maintenance. This action does not require the employee to take the
17 general maintenance competency test and does not result in a loss
18 or reduction of the employee's salary or supplement; and

19 (B) Seniority earned in the classification titles of
20 Groundsman, Handyman, Glazier or Watchman prior to July 1, 2011,
21 shall be credited as seniority earned in the General Maintenance
22 classification category;

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

1 ~~tasks;~~

2 (34) "Graphic Communications Operator" means a person employed
3 to operate and maintain printing equipment and to prepare and
4 distribute materials, subject to the following:

5 (A) Any employee holding the classification title of Printing
6 Operator or Printing Supervisor on June 30, 2011 shall have that
7 class title deleted from his or her contract of employment and
8 replaced with the classification title of Graphic Communication
9 Operator. This action does not require the employee to take the
10 Graphic Communications Operator competency test and does not result
11 in a loss or reduction of the employee's salary or supplement; and

12 (B) Seniority earned in the classification titles of Printing
13 Operator or Printing Supervisor prior to July 1, 2011, shall be
14 credited as seniority earned in the Graphic Communications Operator
15 classification category;

16 ~~(45)~~ (35) "Graphic artist Designer" means a person employed to
17 prepare graphic illustrations and communications using color type,
18 illustration, photography, animation, various print and layout
19 techniques for print and other media including web publications;

20 ~~(46) "Groundsman" means a person employed to perform duties~~
21 ~~that relate to the appearance, repair and general care of school~~
22 ~~grounds in a county school system. Additional assignments may~~
23 ~~include the operation of a small heating plant and routine cleaning~~
24 ~~duties in buildings;~~

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

3 ~~(48) "Heating and air conditioning mechanic I" means a person~~
4 ~~employed at the apprentice level to install, repair and maintain~~
5 ~~heating and air conditioning plants and related electrical~~
6 ~~equipment;~~

7 ~~(49)~~ (36) "Heating and Air Conditioning Mechanic II" means a
8 person employed at the journeyman level to install, repair and
9 maintain heating and air conditioning plants and related electrical
10 equipment, subject to the following:

11 (A) Any employee holding the classification titles of Heating
12 and Air Conditioning Mechanic I on June 30, 2011, shall have that
13 class title deleted from his or her contract of employment and
14 replaced with the classification title of Heating and Air Condition
15 Mechanic II. This action does not require the employee to take the
16 heating and air conditioning mechanic competency test and does not
17 require the employee to acquire any additional licensure. This
18 action also does not result in a loss or reduction of the
19 employee's salary or supplement; and

20 (B) Seniority earned in the classification titles of Heating
21 and Air Conditioning Mechanic I prior to July, 2001, shall continue
22 to be credited as seniority earned in heating and air conditioning
23 mechanic classification category;

24 ~~(50)~~ (37) "Heavy Equipment Operator" means a person employed

1 to operate heavy equipment;

2 ~~(51)~~ (38) "Inventory Supervisor" means a person employed to
3 supervise or maintain operations in the receipt, storage, inventory
4 and issuance of materials and supplies;

5 ~~(52)~~ "~~Key punch operator~~" ~~means a qualified person employed to~~
6 ~~operate key punch machines or verifying machines;~~

7 ~~(53)~~ (39) "Licensed Practical Nurse" means a nurse, licensed
8 by the West Virginia Board of Examiners for Licensed Practical
9 Nurses, employed to work in a public school under the supervision
10 of a school nurse;

11 ~~(54)~~ (40) "Locksmith" means a person employed to repair and
12 maintain locks and safes;

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

16 ~~(56)~~ (41) "Machinist" means a person employed to perform
17 machinist tasks which include the ability to operate a lathe,
18 planer, shaper, threading machine and wheel press. A person
19 holding this class title also should have the ability to work from
20 blueprints and drawings;

21 ~~(57)~~ (42) "Mail ~~clerk~~ Courier" means a person employed to
22 receive, sort, dispatch, deliver or otherwise handle letters,
23 parcels and other mail, subject to the following:

24 (A) Any employee holding the classification tile of Mail Clerk

1 on June 30, 2011, shall have that class title deleted from his or
2 her contract of employment and replaced with the classification
3 title of Mail Courier. This action does not require the employee
4 to take the Mail Courier competency test and does not result in a
5 loss or reduction of the employee's salary or supplement; and

6 (B) Seniority earned in the classification title of Mail Clerk
7 prior to July 1, 2011, shall be credited as seniority earned in the
8 Mail Courier classification category;

9 ~~(58) "Maintenance clerk" means a person employed to maintain~~
10 ~~and control a stocking facility to keep adequate tools and supplies~~
11 ~~on hand for daily withdrawal for all school maintenance crafts;~~

12 ~~(59)~~ (43) "Mason" means a person employed to perform tasks
13 connected with brick and block laying and carpentry tasks related
14 to these activities;

15 ~~(60)~~ (44) "Mechanic" means a person employed to perform
16 skilled duties independently in the maintenance and repair of
17 automobiles, school buses and other mechanical and mobile equipment
18 to use in a county school system, subject to the following:

19 (A) Any employee holding the classification titles of
20 Lubrication Man or Mechanic Assistant on June 30, 2011, shall have
21 that class title deleted from his or her contract of employment and
22 replaced with the classification title of Mechanic. This action
23 does not require the employee to take the Mechanic competency test
24 and does not result in a loss or reduction of the employee's salary

1 or supplement; and

2 (B) Seniority earned in the classification titles of
3 Lubrication Man and Mechanic Assistant prior to July 1, 2011, shall
4 be credited as seniority earned in the Mechanic classification
5 category;

6 ~~(61) "Mechanic assistant" means a person employed as a~~
7 ~~mechanic apprentice and helper;~~

8 ~~(62)~~ (45) "Multiclassification" means a person employed to
9 perform tasks that involve the combination of two or more class
10 titles in this section. In these instances the minimum salary
11 scale shall be the higher pay grade of the class titles involved;

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

14 ~~(64) "Office equipment repairman II" means a person~~
15 ~~responsible for servicing and repairing all office machines and~~
16 ~~equipment. A person holding this class title is responsible for~~
17 ~~the purchase of parts necessary for the proper operation of a~~
18 ~~program of continuous maintenance and repair;~~

19 ~~(65)~~ (46) "Painter" means a person employed to perform duties
20 painting, finishing and decorating wood, metal and concrete
21 surfaces of buildings, other structures, equipment, machinery and
22 furnishings of a county school system;

23 ~~(66)~~ (47) "Paraprofessional" means a person certified pursuant
24 to section two-a, article three of this chapter to perform duties

1 in a support capacity including, but not limited to, facilitating
2 in the instruction and direct or indirect supervision of students
3 under the direction of a principal, a teacher or another designated
4 professional educator.

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

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

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

18 ~~(67)~~ (48) "Payroll Supervisor" means a person employed in the
19 county board office who has primary responsibility for the payroll
20 function and who either has completed twelve college hours of
21 accounting from an accredited institution of higher education or
22 has at least eight years of experience performing progressively
23 difficult accounting tasks. Responsibilities of this class title
24 may include supervision of other personnel;

1 ~~(68) "Plumber I" means a person employed as an apprentice~~
2 ~~plumber and helper;~~

3 ~~(69)~~ (49) "Plumber II" means a person employed as a journeyman
4 plumber to provide general repair, maintenance and installation of
5 utility lines and systems necessary for heat, water and sewage
6 disposal in school system facilities for the efficient maintenance
7 and preventive maintenance of school system plans, subject to the
8 following:

9 (A) Any employee holding the classification titles of Plumber
10 I on June 30, 2011, shall have that class title deleted from his or
11 her contract of employment and replaced with the classification
12 title of Plumber II. This action does not require the employee to
13 take the plumber competency test and does not require the employee
14 to acquire any additional licensure. This action also does not
15 result in a loss or reduction of the employee's salary or
16 supplement; and

17 (B) Seniority earned in the classification title of Plumber I
18 prior to July 1, 2011, shall continue to be credited as seniority
19 earned in the plumber classification category;

20 ~~(70) "Printing operator" means a person employed to operate~~
21 ~~duplication equipment, and to cut, collate, staple, bind and shelve~~
22 ~~materials as required;~~

23 ~~(71) "Printing supervisor" means a person employed to~~
24 ~~supervise the operation of a print shop;~~

1 ~~(72)~~ (50) "Programmer" means a person employed to design and
2 prepare programs for computer operation;

3 ~~(73)~~ (51) "Roofing/Sheet Metal Mechanic" means a person
4 employed to install, repair, fabricate and maintain roofs, gutters,
5 flashing and duct work for heating and ventilation;

6 ~~(74)~~ (52) "Sanitation Plant Operator" means a person employed
7 to operate and maintain a water or sewage treatment plant to ensure
8 the safety of the plant's effluent for human consumption or
9 environmental protection;

10 ~~(75)~~ (53) "School Bus Supervisor" means a qualified person:

11 (A) Employed to assist in selecting ~~school~~ Bus Operators and
12 routing and scheduling school buses, operate a bus when needed,
13 relay instructions to bus operators, plan emergency routing of
14 buses and promote good relationships with parents, students, bus
15 operators and other employees; and

16 (B) Certified to operate a bus or previously certified to
17 operate a bus;

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

21 ~~(77)~~ (54) "Secretary II" means a person employed in any
22 elementary, secondary, kindergarten, nursery, special education,
23 ~~vocational~~ career or technical or any other school as a secretary.

24 The duties may include performing general clerical tasks;

1 transcribing from notes, audio and/or electronic ~~stenotype,~~
2 ~~mechanical~~ equipment; ~~or a sound-producing machine~~ preparing
3 reports; receiving callers and referring them to proper persons;
4 operating switchboard equipment; operating office machines; keeping
5 records and handling routine correspondence. Nothing in this
6 subdivision prevents a service person from holding or being
7 elevated to a higher classification.

8 (A) Any employee holding the classification title of Secretary
9 I or Switchboard Operator-Receptionist on June 30, 2011, shall have
10 that class title deleted from his or her contract of employment and
11 the classification title of Secretary II added to his or her
12 contract of employment. This action will not require the employee
13 to take the secretary competency test and shall not result in a
14 loss or reduction of salary or supplement by the employee.

15 (B) Seniority earned in the classification titles of Secretary
16 I or Switchboard Operator-Receptionist prior to July 1, 2011, shall
17 be credited as seniority earned in the Secretary classification
18 category;

19 ~~(78)~~ (55) "Secretary III" means a person assigned to the
20 county board office administrators in charge of various
21 instructional, maintenance, transportation, food services,
22 operations and health departments, federal programs or departments
23 with particular responsibilities in purchasing and financial
24 control or any person who has served for eight years in a position

1 which meets the definition of "secretary II" or "secretary III";

2 (56) "Sign Language Interpreter I" means a person employed by
3 a county board to provide sign language interpretation, both
4 receptively and expressively, for students who are deaf or hearing
5 impaired, are able to access environments through audition, and use
6 American Sign Language as a supplement to the communication
7 process. The duties of this employee shall include, but not be
8 limited to, facilitating communication between spoken and signed
9 languages for and between deaf or hearing impaired students and
10 faculty, staff and other students. Employees within this
11 classification title must meet the requirements for initial
12 certification as a paraprofessional/education interpreter as
13 provided by state board rule. Provided, That a Sign Language
14 Interpreter I may be assigned to a student with an exceptionality
15 other than deaf or hearing impairment if it is determined that the
16 student needs sign language to support his or her expressive
17 communication.

18 (57) "Sign Language Interpreter II" means a person employed by
19 a county board to provide sign language interpretation, both
20 receptively and expressively, for students who are deaf or hearing
21 impaired, are not able to access the environment through audition
22 and use American Sign Language as the sole or primary means of
23 communication. The duties of this employee include, but are not
24 limited to, facilitating communication between spoken and signed

1 languages for and between deaf or hearing impaired students and
2 faculty, staff and other students. Employees within this
3 classification title must meet the requirements for permanent
4 certification as a paraprofessional/education interpreter as
5 provided by state board rule: *Provided, That a Sign Language*
6 *Interpreter II* may be assigned to a student with an exceptionality
7 other than deaf or hearing impairment if it is determined that the
8 student needs sign language to support his or her expressive
9 communication.

10 ~~(79)~~ (58) "Supervisor of Maintenance" means a skilled person
11 who is not a professional person or professional educator as
12 defined in section one, article one of this chapter. The
13 responsibilities include directing the upkeep of buildings and
14 shops, and issuing instructions to subordinates relating to
15 cleaning, repairs and maintenance of all structures and mechanical
16 and electrical equipment of a county board;

17 ~~(80)~~ (59) "Supervisor of Transportation" means a qualified
18 person employed to direct school transportation activities properly
19 and safely, and to supervise the maintenance and repair of
20 vehicles, buses and other mechanical and mobile equipment used by
21 the county school system. After July 1, 2010, all persons employed
22 for the first time in a position with this classification title or
23 in a multiclassification position that includes this title shall
24 have five years of experience working in the transportation

1 department of a county board. Experience working in the
2 transportation department shall consist of serving as a Bus
3 Operator, bus aide, assistant mechanic, Mechanic, Chief Mechanic or
4 in a clerical position within the transportation department;

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

9 (60) "Technology System Specialist" means a qualified person
10 employed to perform hands-on repair, service, maintenance and
11 installation of local area networks, servers, computers, computer
12 work stations, printers, computer related equipment, computer
13 related systems, computer related technologies and other office
14 electronic equipment used in the areas of data sharing,
15 communication, printing, visual teaching aids and security in the
16 school system, subject to the following:

17 (A) Any employee holding the classification title of
18 Audiovisual Technician, Electronic Technician I or II, Office
19 Equipment Repairman I or Office Equipment Repairman II on June 30,
20 2011 shall have that class title deleted from his or her contract
21 of employment and replaced with the classification title of
22 Technology System Specialist. This action does not require the
23 employee to take the Technology Systems Specialist competency test
24 and does not result in a loss or reduction of the employee's salary

1 or supplement; and

2 (B) Seniority earned in the classification titles of
3 Audiovisual Technician, Electronic Technician I or Electronic
4 Technician II, Office Equipment Repairman I or Office Equipment
5 Repairman II prior to July 1, 2011, shall be credited as seniority
6 earned in the Technology Systems Specialist classification
7 category;

8 ~~(82)~~ (61) "Truck Driver" means a person employed to operate
9 light or heavy duty gasoline and diesel-powered vehicles;

10 ~~(83)~~ (62) "Warehouse Clerk" means a person employed to be
11 responsible for receiving, storing, packing and shipping goods,
12 subject to the following:

13 (A) Any employee holding the classification title of
14 Maintenance Clerk on June 30, 2011, shall have that class title
15 deleted from his or her contract of employment and replaced with
16 the classification title of Warehouse Clerk. This action does not
17 require the employee to take the Warehouse Clerk competency test
18 and does not result in a loss or reduction of the employee's salary
19 or supplement; and

20 (B) Seniority earned in the classification titles of
21 Maintenance Clerk prior to July 1, 2011, shall be credited as
22 seniority earned in the Warehouse Clerk classification category;
23 and

24 ~~(84)~~ "Watchman" means a person employed to protect school

1 ~~property against damage or theft. Additional assignments may~~
2 ~~include operation of a small heating plant and routine cleaning~~
3 ~~duties;~~

4 ~~(85)~~ (63) "Welder" means a person employed to provide
5 acetylene or electric welding services for a school system. ~~and~~

6 ~~(86)~~ ~~"WVEIS data entry and administrative clerk" means a~~
7 ~~person employed to work under the direction of a school principal~~
8 ~~to assist the school counselor or counselors in the performance of~~
9 ~~administrative duties, to perform data entry tasks on the West~~
10 ~~Virginia Education Information System, and to perform other~~
11 ~~administrative duties assigned by the principal.~~

12 (j) Notwithstanding any provision in this code to the
13 contrary, and in addition to the compensation provided for service
14 personnel in section eight-a of this article, each service person
15 is entitled to all service personnel employee rights, privileges
16 and benefits provided under this or any other chapter of this code
17 without regard to the employee's hours of employment or the methods
18 or sources of compensation.

19 (k) A service person whose years of employment exceeds the
20 number of years shown and provided for under the state minimum pay
21 scale set forth in section eight-a of this article may not be paid
22 less than the amount shown for the maximum years of employment
23 shown and provided for in the classification in which he or she is
24 employed.

1 (1) Each county board shall review each service person's job
2 classification annually and shall reclassify all service persons as
3 required by the job classifications. The state superintendent may
4 withhold state funds appropriated pursuant to this article for
5 salaries for service personnel who are improperly classified by the
6 county boards. Further, the state superintendent shall order a
7 county board to correct immediately any improper classification
8 matter and, with the assistance of the Attorney General, shall take
9 any legal action necessary against any county board to enforce the
10 order.

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

13 (1) Reclassified by class title; or

14 (2) Relegated to any condition of employment which would
15 result in a reduction of his or her salary, rate of pay,
16 compensation or benefits earned during the current fiscal year; or
17 for which he or she would qualify by continuing in the same job
18 position and classification held during that fiscal year and
19 subsequent years.

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

1 (o) Notwithstanding any provision of this code to the
2 contrary, a service person who holds a continuing contract in a
3 specific job classification and who is physically unable to perform
4 the job's duties as confirmed by a physician chosen by the
5 employee, shall be given priority status over any employee not
6 holding a continuing contract in filling other service personnel
7 job vacancies if the service person is qualified as provided in
8 section eight-e of this article.

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

13 (q) Without the written consent of the service person, a
14 county board may not establish the beginning work station for a bus
15 operator or transportation aide at any site other than a county
16 board-owned facility with available parking. The workday of the
17 bus operator or transportation aide commences at the bus at the
18 designated beginning work station and ends when the employee is
19 able to leave the bus at the designated beginning work station,
20 unless he or she agrees otherwise in writing. The application or
21 acceptance of a posted position may not be construed as the written
22 consent referred to in this subsection.

23 (r) Itinerant status means a service person who does not have
24 a fixed work site and may be involuntarily reassigned to another

1 work site. A service person is considered to hold itinerant status
2 if he or she has bid upon a position posted as itinerant or has
3 agreed to accept this status. A county board may establish
4 positions with itinerant status only within the aide and autism
5 mentor classification categories and only when the job duties
6 involve exceptional students. A service person with itinerant
7 status may be assigned to a different work site upon written notice
8 ten days prior to the reassignment without the consent of the
9 employee and without posting the vacancy. A service person with
10 itinerant status may be involuntarily reassigned no more than twice
11 during the school year. At the conclusion of each school year, the
12 county board shall post and fill, pursuant to section eight-b of
13 this article, all positions that have been filled without posting
14 by a service person with itinerant status. A service person who is
15 assigned to a beginning and ending work site and travels at the
16 expense of the county board to other work sites during the daily
17 schedule, shall not be considered to hold itinerant status.

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

19 (a) The minimum monthly pay for each service employee whose
20 employment is for a period of more than three and one-half hours a
21 day shall be at least the amounts indicated in the state minimum
22 pay scale pay grade and the minimum monthly pay for each service
23 employee whose employment is for a period of three and one-half
24 hours or less a day shall be at least one-half the amount indicated

1 in the state minimum pay scale pay grade set forth in this section.

STATE MINIMUM PAY SCALE PAY GRADE									
Years	PAY GRADE								
Exp.	A	B	C	D	E	F	G	H	
2									
3									
4									
5	0	1,577	1,598	1,639	1,691	1,743	1,805	1,836	1,908
6	1	1,609	1,630	1,671	1,723	1,775	1,837	1,868	1,940
7	2	1,641	1,662	1,703	1,755	1,807	1,869	1,900	1,972
8	3	1,673	1,694	1,735	1,787	1,839	1,901	1,932	2,004
9	4	1,705	1,726	1,767	1,819	1,871	1,933	1,964	2,037
10	5	1,737	1,758	1,799	1,851	1,903	1,965	1,996	2,069
11	6	1,769	1,790	1,832	1,883	1,935	1,997	2,028	2,101
12	7	1,802	1,822	1,864	1,915	1,967	2,029	2,060	2,133
13	8	1,834	1,854	1,896	1,947	1,999	2,061	2,092	2,165
14	9	1,866	1,886	1,928	1,980	2,031	2,093	2,124	2,197
15	10	1,898	1,919	1,960	2,012	2,063	2,126	2,157	2,229
16	11	1,930	1,951	1,992	2,044	2,095	2,158	2,189	2,261
17	12	1,962	1,983	2,024	2,076	2,128	2,190	2,221	2,293
18	13	1,994	2,015	2,056	2,108	2,160	2,222	2,253	2,325
19	14	2,026	2,047	2,088	2,140	2,192	2,254	2,285	2,357
20	15	2,058	2,079	2,120	2,172	2,224	2,286	2,317	2,389
21	16	2,090	2,111	2,152	2,204	2,256	2,318	2,349	2,422
22	17	2,122	2,143	2,185	2,236	2,288	2,350	2,381	2,454
23	18	2,154	2,175	2,217	2,268	2,320	2,382	2,413	2,486
24	19	2,187	2,207	2,249	2,300	2,352	2,414	2,445	2,518
25	20	2,219	2,239	2,281	2,333	2,384	2,446	2,477	2,550
26	21	2,251	2,271	2,313	2,365	2,416	2,478	2,509	2,582
27	22	2,283	2,304	2,345	2,397	2,448	2,511	2,542	2,614
28	23	2,315	2,336	2,377	2,429	2,481	2,543	2,574	2,646

1	24	2,347	2,368	2,409	2,461	2,513	2,575	2,606	2,678
2	25	2,379	2,400	2,441	2,493	2,545	2,607	2,638	2,710
3	26	2,411	2,432	2,473	2,525	2,577	2,639	2,670	2,742
4	27	2,443	2,464	2,505	2,557	2,609	2,671	2,702	2,774
5	28	2,475	2,496	2,537	2,589	2,641	2,703	2,734	2,807
6	29	2,507	2,528	2,570	2,621	2,673	2,735	2,766	2,839
7	30	2,540	2,560	2,602	2,653	2,705	2,767	2,798	2,871
8	31	2,572	2,592	2,634	2,685	2,737	2,799	2,830	2,903
9	32	2,604	2,624	2,666	2,718	2,769	2,831	2,862	2,935
10	33	2,636	2,656	2,698	2,750	2,801	2,863	2,895	2,967
11	34	2,668	2,689	2,730	2,782	2,833	2,896	2,927	2,999
12	35	2,700	2,721	2,762	2,814	2,866	2,928	2,959	3,031
13	36	2,732	2,753	2,794	2,846	2,898	2,960	2,991	3,063
14	37	2,764	2,785	2,826	2,878	2,930	2,992	3,023	3,095
15	38	2,796	2,817	2,858	2,910	2,962	3,024	3,055	3,127
16	39	2,828	2,849	2,890	2,942	2,994	3,056	3,087	3,159
17	40	2,860	2,881	2,922	2,974	3,026	3,088	3,119	3,192

18	(Class Title)	Pay Grade
19	Accountant I	D
20	Accountant II	E
21	Accountant III	F
22	Accounts Payable Supervisor	G
23	Aide I	A
24	Aide II	B
25	Aide III	C
26	Aide IV	D

1	Audiovisual Technician	C
2	Auditor	G
3	Autism Mentor	F
4	Braille or Sign Language Specialist	E
5	Bus Operator	D
6	Buyer	F
7	Cabinetmaker	G
8	Cafeteria Manager	D
9	Carpenter I	E
10	Carpenter II	F
11	Chief Mechanic	G
12	Clerk I	B
13	Clerk II.....	C
14	Computer Operator	E
15	Cook I	A
16	Cook II	B
17	Cook III	C
18	Crew Leader	F
19	Custodian I	A
20	Custodian II	B
21	Custodian III	C
22	Custodian IV	D
23	Director or Coordinator of Services	H
24	Draftsman	D

1	Electrician I	F
2	Electrician II	G
3	Electronic Technician I	F
4	Electronic Technician II	G
5	Executive Secretary	G
6	Food Services Supervisor	G
7	Foreman	G
8	General Maintenance	C
9	Glazier	D
10	<u>Graphic Communication Operator</u>	G
11	Graphic Artist <u>Designer</u>	D
12	Groundsman	B
13	Handyman	B
14	Heating and Air Conditioning Mechanic I	E
15	Heating and Air Conditioning Mechanic II	G
16	Heavy Equipment Operator	E
17	Inventory Supervisor	D
18	Key Punch Operator	B
19	Licensed Practical Nurse	F
20	Locksmith	G
21	Lubrication Man	C
22	Machinist	F
23	Mail Clerk <u>Courier</u>	D
24	Maintenance Clerk	C

1	Mason	G
2	Mechanic	F
3	Mechanic Assistant	E
4	Office Equipment Repairman I	F
5	Office Equipment Repairman II	G
6	Painter	E
7	Paraprofessional	F
8	Payroll Supervisor	G
9	Plumber I	E
10	Plumber II	G
11	Printing Operator	B
12	Printing Supervisor	D
13	Programmer	H
14	Roofing/Sheet Metal Mechanic	F
15	Sanitation Plant Operator	G
16	School Bus Supervisor	E
17	Secretary I	D
18	Secretary II	E
19	Secretary III	F
20	<u>Sign Language Interpreter I</u>	<u>F</u>
21	<u>Sign Language Interpreter II</u>	<u>G</u>
22	Supervisor of Maintenance	H
23	Supervisor of Transportation	H
24	Switchboard Operator-Receptionist	D

1 Technology System Specialist G
 2 Truck Driver D
 3 Warehouse Clerk C
 4 ~~Watchman~~ B
 5 Welder F
 6 ~~WVEIS Data Entry and Administrative Clerk~~ B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (h) Any full-time service personnel required to work in excess
23 of their normal working day during any week which contains a school
24 holiday for which they are paid shall be paid for the additional

1 hours or fraction of the additional hours at a rate of one and one-
2 half times their usual hourly rate and paid entirely from county
3 board funds.

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

9 (j) The minimum hourly rate of pay for extra duty assignments
10 as defined in section eight-b of this article shall be no less than
11 one seventh of the employee's daily total salary for each hour the
12 employee is involved in performing the assignment and paid entirely
13 from local funds, subject to the following:

14 (1) ~~Provided, That~~ An alternative minimum hourly rate of pay
15 for performing extra duty assignments within a particular category
16 of employment may be used if the alternate hourly rate of pay is
17 approved both by the county board and by the affirmative vote of a
18 two-thirds majority of the regular full-time employees within that
19 classification category of employment within that county.

20 ~~Provided, however, That~~ The vote shall be by secret ballot if
21 requested by a service ~~personnel employee~~ person within that
22 classification category within that county;

23 (2) The salary for any fraction of an hour the employee is
24 involved in performing the assignment shall be prorated

1 accordingly; and

2 (3) When performing extra duty assignments, employees who are
3 regularly employed on a one-half day salary basis shall receive the
4 same hourly extra duty assignment pay computed as though the
5 employee were employed on a full-day salary basis.

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

1 have completed a federal Environmental Protection Act approved
2 training program and be licensed. The employer shall provide all
3 necessary protective equipment and maintain all records required by
4 the Environmental Protection Act.

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

17 **§18A-4-8b. Seniority rights for school service personnel.**

18 (a) A county board shall make decisions affecting promotions
19 and the filling of any service personnel positions of employment or
20 jobs occurring throughout the school year that are to be performed
21 by service personnel as provided in section eight of this article,
22 on the basis of seniority, qualifications and evaluation of past
23 service.

24 (b) Qualifications means the applicant holds a classification

1 title in his or her category of employment as provided in this
2 section and is given first opportunity for promotion and filling
3 vacancies. Other employees then shall be considered and shall
4 qualify by meeting the definition of the job title that relates to
5 the promotion or vacancy, as defined in section eight of this
6 article. If requested by the employee, the county board shall show
7 valid cause why a service person with the most seniority is not
8 promoted or employed in the position for which he or she applies.

9 Qualified applicants shall be considered in the following order:

10 (1) Regularly employed service personnel who hold a
11 classification title within the classification category of the
12 vacancy;

13 (2) Service personnel who have held a classification title
14 within the classification category of the vacancy whose employment
15 has been discontinued in accordance with this section;

16 (3) Regularly employed service personnel who do not hold a
17 classification title within the classification category of vacancy;

18 (4) Service personnel who have not held a classification title
19 within the classification category of the vacancy and whose
20 employment has been discontinued in accordance with this section;

21 (5) Substitute service personnel who hold a classification
22 title within the classification category of the vacancy;

23 (6) Substitute service personnel who do not hold a
24 classification title within the classification category of the

1 vacancy; and

2 (7) New service personnel.

3 (c) The county board may not prohibit a service person from
4 retaining or continuing his or her employment in any positions or
5 jobs held prior to the effective date of this section and
6 thereafter.

7 (d) A promotion means any change in employment that the
8 service person considers to improve his or her working circumstance
9 within the classification category of employment.

10 (1) A promotion includes a transfer to another classification
11 category or place of employment if the position is not filled by an
12 employee who holds a title within that classification category of
13 employment.

14 (2) Each class title listed in section eight of this article
15 is considered a separate classification category of employment for
16 service personnel, except for those class titles having Roman
17 numeral designations, which are considered a single classification
18 of employment:

19 (A) The Cafeteria Manager class title is included in the same
20 classification category as cooks;

21 (B) The Executive Secretary class title is included in the
22 same classification category as secretaries;

23 (C) Paraprofessional, Autism Mentor, ~~and Braille or sign~~
24 ~~language~~ Specialist and Sign Language Interpreter I and II class

1 titles are included in the same classification category as aides;
2 and

3 (D) The ~~mechanic assistant and Chief Mechanic class titles are~~
4 title is included in the same classification category as mechanics.

5 (3) The assignment of an aide to a particular position within
6 a school is based on seniority within the aide classification
7 category if the aide is qualified for the position.

8 (4) Assignment of a custodian to work shifts in a school or
9 work site is based on seniority within the custodian classification
10 category.

11 (e) For purposes of determining seniority under this section
12 a service person's seniority begins on the date that he or she
13 enters into the assigned duties.

14 (f) *Extra-duty assignments.* --

15 (1) For the purpose of this section, "extra-duty assignment"
16 means an irregular job that occurs periodically or occasionally
17 such as, but not limited to, field trips, athletic events, proms,
18 banquets and band festival trips.

19 (2) Notwithstanding any other provisions of this chapter to
20 the contrary, decisions affecting service personnel with respect to
21 extra-duty assignments are made in the following manner:

22 (A) A service person with the greatest length of service time
23 in a particular category of employment is given priority in
24 accepting extra duty assignments, followed by other fellow

1 employees on a rotating basis according to the length of their
2 service time until all employees have had an opportunity to perform
3 similar assignments. The cycle then is repeated.

4 (B) An alternative procedure for making extra-duty assignments
5 within a particular classification category of employment may be
6 used if the alternative procedure is approved both by the county
7 board and by an affirmative vote of two-thirds of the employees
8 within that classification category of employment.

9 (g) County boards shall post and date notices of all job
10 vacancies of existing or newly created positions in conspicuous
11 places for all school service personnel to observe for at least
12 five working days.

13 (1) Posting locations include any website maintained by or
14 available for the use of the county board.

15 (2) Notice of a job vacancy shall include the job description,
16 the period of employment, the work site, the starting and ending
17 time of the daily shift, the amount of pay and any benefits and
18 other information that is helpful to prospective applicants to
19 understand the particulars of the job. The notice of a job vacancy
20 in the aide classification categories shall include the program or
21 primary assignment of the position. Job postings for vacancies
22 made pursuant to this section shall be written to ensure that the
23 largest possible pool of qualified applicants may apply. Job
24 postings may not require criteria which are not necessary for the

1 successful performance of the job and may not be written with the
2 intent to favor a specific applicant.

3 (3) After the five-day minimum posting period, all vacancies
4 shall be filled within twenty working days from the posting date
5 notice of any job vacancies of existing or newly created positions.

6 (4) The county board shall notify any person who has applied
7 for a job posted pursuant to this section of the status of his or
8 her application as soon as possible after the county board makes a
9 hiring decision regarding the posted position.

10 (h) All decisions by county boards concerning reduction in
11 work force of service personnel shall be made on the basis of
12 seniority, as provided in this section.

13 (i) The seniority of a service person is determined on the
14 basis of the length of time the employee has been employed by the
15 county board within a particular job classification. For the
16 purpose of establishing seniority for a preferred recall list as
17 provided in this section, a service person who has been employed in
18 one or more classifications retains the seniority accrued in each
19 previous classification.

20 (j) If a county board is required to reduce the number of
21 service personnel within a particular job classification, the
22 following conditions apply:

23 (1) The employee with the least amount of seniority within
24 that classification or grades of classification is properly

1 released and employed in a different grade of that classification
2 if there is a job vacancy;

3 (2) If there is no job vacancy for employment within that
4 classification or grades of classification, the service person is
5 employed in any other job classification which he or she previously
6 held with the county board if there is a vacancy and retains any
7 seniority accrued in the job classification or grade of
8 classification.

9 (k) After a reduction in force or transfer is approved, but
10 prior to August 1, a county board in its sole and exclusive
11 judgment may determine that the reason for any particular reduction
12 in force or transfer no longer exists.

13 (1) If the board makes this determination, it shall rescind
14 the reduction in force or transfer and notify the affected employee
15 in writing of the right to be restored to his or her former
16 position of employment.

17 (2) The affected employee shall notify the county board of his
18 or her intent to return to the former position of employment within
19 five days of being notified or lose the right to be restored to the
20 former position.

21 (3) The county board may not rescind the reduction in force of
22 an employee until all service personnel with more seniority in the
23 classification category on the preferred recall list have been
24 offered the opportunity for recall to regular employment as

1 provided in this section.

2 (4) If there are insufficient vacant positions to permit
3 reemployment of all more senior employees on the preferred recall
4 list within the classification category of the service person who
5 was subject to reduction in force, the position of the released
6 service person shall be posted and filled in accordance with this
7 section.

8 (1) If two or more service persons accumulate identical
9 seniority, the priority is determined by a random selection system
10 established by the employees and approved by the county board.

11 (m) All service personnel whose seniority with the county
12 board is insufficient to allow their retention by the county board
13 during a reduction in work force are placed upon a preferred recall
14 list and shall be recalled to employment by the county board on the
15 basis of seniority.

16 (n) A service person placed upon the preferred recall list
17 shall be recalled to any position openings by the county board
18 within the classification(s) where he or she had previously been
19 employed, to any lateral position for which the service person is
20 qualified or to a lateral area for which a service person has
21 certification and/or licensure.

22 (o) A service person on the preferred recall list does not
23 forfeit the right to recall by the county board if compelling
24 reasons require him or her to refuse an offer of reemployment by

1 the county board.

2 (p) The county board shall notify all service personnel on the
3 preferred recall list of all position openings that exist from time
4 to time. The notice shall be sent by certified mail to the last
5 known address of the service person. Each service person shall
6 notify the county board of any change of address.

7 (q) No position openings may be filled by the county board,
8 whether temporary or permanent, until all service personnel on the
9 preferred recall list have been properly notified of existing
10 vacancies and have been given an opportunity to accept
11 reemployment.

12 (r) A service person released from employment for lack of need
13 as provided in sections six and eight-a, article two of this
14 chapter is accorded preferred recall status on July 1 of the
15 succeeding school year if he or she has not been reemployed as a
16 regular employee.

17 (s) A county board failing to comply with the provisions of
18 this article may be compelled to do so by mandamus and is liable to
19 any party prevailing against the board for court costs and the
20 prevailing party's reasonable attorney fee, as determined and
21 established by the court.

22 (1) A service person denied promotion or employment in
23 violation of this section shall be awarded the job, pay and any
24 applicable benefits retroactively to the date of the violation and

1 shall be paid entirely from local funds.

2 (2) The county board is liable to any party prevailing against
3 the board for any court reporter costs including copies of
4 transcripts.

NOTE: The purpose of this bill is to reorganize the defined service personnel class titles and consequently reduce the number of class titles; require county boards to bear the cost of certification renewal for personnel with the class title of Sign Language Interpreter I or II under certain conditions; and declare that time devoted to the process of maintaining or acquiring certification that is a condition of employment constitutes continuing education for the purposes of meeting continuing education requirements.

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