

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

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

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

9 **ARTICLE 2. SCHOOL PERSONNEL.**

10 **§18A-2-4. Commercial driver's license for school personnel;**
11 **intrastate waiver for bus operators diagnosed with**
12 **diabetes mellitus requiring insulin; reimbursement**
13 **of electrician's commercial driver's license and**
14 **sign language interpreter certification when**
15 **required.**

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

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

24 (b) The Division of Motor Vehicles shall accept the West

1 Virginia Department of Education physical and psychomotor test
2 result forms in lieu of the Division of Motor Vehicles vision
3 report form.

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

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

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

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

25 (e) If an employee who is employed as a Sign Language

1 Interpreter I or II is required to undertake any training or
2 continuing education in order to renew or maintain certification as
3 a Sign Language Interpreter I or II, the cost of the certification
4 renewal shall be paid in full by the county board.

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

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

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

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

20 (a) The purpose of this section is to establish an employment
21 term and class titles for service personnel. The employment term
22 for service personnel may not be less than ten months. A month is
23 defined as twenty employment days. The county board may contract
24 with all or part of these service personnel for a longer term. The

1 beginning and closing dates of the ten-month employment term may
2 not exceed forty-three weeks.

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

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

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

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

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

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

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

9 (3) The additional compensation provided for in this
10 subsection:

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

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

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

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

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

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

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

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

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

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

24 (6) "Accountant III" means a person employed in the county
25 board office to manage and supervise accounts payable, payroll

1 procedures, or both;

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

10 ~~(8) "Aide I" means a person selected and trained for a~~
11 ~~teacher-aide classification such as monitor aide, clerical aide,~~
12 ~~classroom aide or general aide;~~

13 ~~(9) (8) "Aide II" means a service person referred to in the~~
14 ~~"Aide I" classification who has completed a training program~~
15 ~~approved by the state board, or who holds a high school diploma or~~
16 ~~has received a general educational development certificate. Only~~
17 ~~a person classified in an Aide II class title may be employed as an~~
18 ~~aide in any special education program selected and trained as a~~
19 ~~teacher-aide in such areas of responsibility as monitor aide,~~
20 ~~clerical aide, classroom aide or general aide, subject to the~~
21 ~~following:~~

22 ~~(A) Any employee holding the Aide I classification title on~~
23 ~~June 30, 2012, shall have that classification deleted from his or~~
24 ~~her contract of employment and replaced with the classification~~
25 ~~title of Aide II. This action does not require the employee to~~

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

3 (B) Seniority earned in the classification title of Aide I
4 prior to July 1, 2012, shall continue to be credited as seniority
5 earned in the aide classification category;

6 ~~(10)~~ (9) "Aide III" means a service person referred to in the
7 ~~"Aide I"~~ "Aide II" classification who holds a high school diploma
8 or a general educational development certificate; and

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

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

13 ~~(11)~~ (10) "Aide IV" means a service person referred to in the
14 ~~"Aide I"~~ "Aide II" classification who holds a high school diploma
15 or a general educational development certificate; and

16 (A) Has completed eighteen hours of state board-approved
17 college credit at a regionally accredited institution of higher
18 education; or

19 (B) Has completed fifteen hours of state board-approved
20 college credit at a regionally accredited institution of higher
21 education; and has successfully completed an in-service training
22 program determined by the state board to be the equivalent of three
23 hours of college credit;

24 ~~(12) "Audiovisual technician" means a person employed to~~
25 ~~perform minor maintenance on audiovisual equipment, films, and~~

1 ~~supplies and who fills requests for equipment;~~

2 ~~(13)~~ (11) "Auditor" means a person employed to examine and
3 verify accounts of individual schools and to assist schools and
4 school personnel in maintaining complete and accurate records of
5 their accounts;

6 ~~(14)~~ (12) "Autism Mentor" means a person who works with
7 autistic students and who meets standards and experience to be
8 determined by the state board. A person who has held or holds an
9 aide title and becomes employed as an Autism Mentor shall hold a
10 multiclassification status that includes both aide and Autism
11 Mentor titles, in accordance with section eight-b of this article;

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

19 ~~(16)~~ (14) "Bus Operator" means a person employed to operate
20 school buses and other school transportation vehicles as provided
21 by the state board;

22 ~~(17)~~ (15) "Buyer" means a person employed to review and write
23 specifications, negotiate purchase bids and recommend purchase
24 agreements for materials and services that meet predetermined
25 specifications at the lowest available costs;

1 ~~(18)~~ (16) "Cabinetmaker" means a person employed to construct
2 cabinets, tables, bookcases and other furniture;

3 ~~(19)~~ (17) "Cafeteria Manager" means a person employed to
4 direct the operation of a food services program in a school,
5 including assigning duties to employees, approving requisitions for
6 supplies and repairs, keeping inventories, inspecting areas to
7 maintain high standards of sanitation, preparing financial reports
8 and keeping records pertinent to food services of a school;

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

11 ~~(21)~~ (18) "Carpenter II" means a person classified as a
12 journeyman carpenter, subject to the following:

13 (A) Any employee holding the classification title of Carpenter
14 I on June 30, 2012, shall have that class title deleted from his or
15 her contract of employment and replaced with the classification
16 title of Carpenter II. This action does not require the employee
17 to take the carpenter 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 title of Carpenter
20 I prior to July 1, 2012 shall be credited as seniority earned in
21 the carpenter classification category;

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

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

3 ~~(24)~~ (20) "Clerk II" means a person employed to perform
4 general clerical tasks, prepare reports and tabulations and operate
5 office machines, subject to the following:

6 (A) Any employee holding the classification title of Clerk I
7 on June 30, 2012, shall have that class title deleted from his or
8 her contract of employment and replaced with the classification
9 title of Clerk II. This action does not require the employee to
10 take the clerk competency test and does not result in a loss or
11 reduction of the employee's salary or supplement; and

12 (B) Seniority earned in the classification title of Clerk I
13 prior to July 1, 2012, shall be credited as seniority earned in the
14 clerk classification category;

15 ~~(25)~~ (21) "Computer Operator" means a qualified person
16 employed to operate computers;

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

18 ~~(27)~~ (22) "Cook II" means a person employed as a cook's
19 helper, to interpret menus and to prepare and serve meals in a food
20 service program of a school, subject to the following: This
21 definition includes a service person who has been employed as a
22 "Cook I" for a period of four years

23 (A) Any employee holding the classification title of Cook I on
24 June 30, 2012, shall have that class title deleted from his or her
25 contract of employment and replaced with the classification title

1 of Cook II. This action does not require the employee to take the
2 cook competency test and does not result in a loss or reduction of
3 the employee's salary or supplement; and

4 (B) Seniority earned in the classification titles of Cook I
5 prior to July 1, 2012, shall continue to be credited as seniority
6 earned in the cook classification category;

7 ~~(28)~~ (23) "Cook III" means a person employed to prepare and
8 serve meals, make reports, prepare requisitions for supplies, order
9 equipment and repairs for a food service program of a school
10 system;

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

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

16 ~~(31)~~ (24) "Custodian II" means a person employed as a watchman
17 or groundsman to keep buildings clean and free of refuse, to ensure
18 that school buildings and grounds are secure and to maintain the
19 grounds of the facility to which the employee is assigned, subject
20 to the following:

21 (A) Any employee holding the classification title of Custodian
22 I on June 30, 2012, shall have that class title deleted from his or
23 her contract of employment and replaced with the classification
24 title of Custodian II. This action does not require the employee
25 to take the custodian competency test and does not result in a loss

1 or reduction of the employee's salary or supplement; and

2 (B) Seniority earned in the classification titles of Custodian
3 I prior to July 1, 2012, shall continue to be credited as seniority
4 earned in the custodian classification category;

5 ~~(32)~~ (25) "Custodian III" means a person employed to keep
6 buildings clean and free of refuse, to operate the heating or
7 cooling systems and to make minor repairs;

8 ~~(33)~~ (26) "Custodian IV" means a person employed as head
9 custodian. In addition to providing services as defined in
10 "custodian III," duties may include supervising other custodian
11 personnel;

12 ~~(34)~~ (27) "Director or Coordinator of Services" means an
13 employee of a county board who is assigned to direct a department
14 or division.

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

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

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

24 (D) Funding for the position of Director or Coordinator of
25 Services is based upon the employment status of the director or

1 coordinator either as a professional person or a service person;
2 and

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

8 ~~(35)~~ (28) "Draftsman" means a person employed to plan, design
9 and produce detailed architectural/engineering drawings;

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

13 ~~(37)~~ (29) "Electrician II" means a person employed as an
14 electrician journeyman or one who holds a journeyman electrician
15 license issued by the State Fire Marshal, subject to the following:

16 (A) Any employee holding the classification titles of
17 Electrician I on June 30, 2012 shall have that class title deleted
18 from his or her contract of employment and replaced with the
19 classification title of Electrician II. This action does not
20 require the employee to take the electrician competency test or to
21 obtain any additional licensure. This action does not result in a
22 loss or reduction of the employee's salary or supplement;

23 (B) Seniority earned in the classification titles of
24 Electrician I prior to July 1, 2012 shall continue to be credited
25 as seniority earned in the electrician classification category;

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

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

5 ~~(40)~~ (30) "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)~~ (31) "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 Provided, That after June 30, 2012, no employee shall be employed
18 as a Food Services Supervisor for the first time. An employee who
19 holds this classification retains the classification at the same
20 pay grade as provided by section eight-a of this article and an
21 employee who previously held that classification retains the
22 seniority earned in that classification category;

23 ~~(42)~~ (32) "Foreman" means a skilled person employed to
24 supervise personnel who work in the areas of repair and maintenance

1 of school property and equipment, subject to the following:

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

5 (B) Any employee holding the classification title of Crew
6 Leader on June 30, 2012, shall have that class title deleted from
7 his or her contract of employment and replaced with the
8 classification title of Foreman. This action does not require the
9 employee to take the foreman competency test and does not result in
10 a loss or reduction of the employee's salary or supplement;

11 (C) Seniority earned in the classification titles of Crew
12 Leader prior to July 1, 2012, shall be credited as seniority earned
13 in the Foreman classification category;

14 ~~(43)~~ (33) "General Maintenance" means a person employed as a
15 helper to skilled maintenance employees, and to perform minor
16 repairs to equipment and buildings of a county school system, to
17 perform routine manual tasks in any operation of the county school
18 system, to replace glass or other materials in windows and doors
19 and to do minor carpentry tasks, to maintain the appearance, repair
20 and general care of school grounds in a county school system and to
21 protect school property against damage or theft, subject to the
22 following:

23 (A) Any employee holding the classification title of
24 Groundsman, Handyman, Glazier or Watchman on June 30, 2012, shall

1 have that class title deleted from his or her contract of
2 employment and replaced with the classification title of General
3 Maintenance. This action does not require the employee to take the
4 general maintenance competency test and does not result in a loss
5 or reduction of the employee's salary or supplement; and

6 (B) Seniority earned in the classification titles of
7 Groundsman, Handyman, Glazier or Watchman prior to July 1, 2012,
8 shall be credited as seniority earned in the General Maintenance
9 classification category;

10 ~~(44) "Glazier" means a person employed to replace glass or~~
11 ~~other materials in windows and doors and to do minor carpentry~~
12 ~~tasks;~~

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

16 (A) Any employee holding the classification title of Printing
17 Operator or Printing Supervisor on June 30, 2012, shall have that
18 class title deleted from his or her contract of employment and
19 replaced with the classification title of Graphic Communication
20 Operator. This action does not require the employee to take the
21 Graphic Communications Operator competency test and does not result
22 in a loss or reduction of the employee's salary or supplement; and

23 (B) Seniority earned in the classification titles of Printing
24 Operator or Printing Supervisor prior to July 1, 2012, shall be

1 credited as seniority earned in the Graphic Communications Operator
2 classification category;

3 ~~(45)~~ (35) "Graphic ~~artist~~ Designer" means a person employed to
4 prepare graphic illustrations and communications using color type,
5 illustration, photography, animation, various print and layout
6 techniques for print and other media including web publications;

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

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

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

18 ~~(49)~~ (36) "Heating and Air Conditioning Mechanic II" means a
19 person employed at the journeyman level to install, repair and
20 maintain heating and air conditioning plants and related electrical
21 equipment, subject to the following:

22 (A) Any employee holding the classification titles of Heating
23 and Air Conditioning Mechanic I on June 30, 2012, shall have that
24 class title deleted from his or her contract of employment and

1 replaced with the classification title of Heating and Air Condition
2 Mechanic II. This action does not require the employee to take the
3 heating and air conditioning mechanic competency test and does not
4 require the employee to acquire any additional licensure. This
5 action also does not result in a loss or reduction of the
6 employee's salary or supplement; and

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

11 ~~(50)~~ (37) "Heavy Equipment Operator" means a person employed
12 to operate heavy equipment;

13 ~~(51)~~ (38) "Inventory Supervisor" means a person employed to
14 supervise or maintain operations in the receipt, storage, inventory
15 and issuance of materials and supplies;

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

18 ~~(53)~~ (39) "Licensed Practical Nurse" means a nurse, licensed
19 by the West Virginia Board of Examiners for Licensed Practical
20 Nurses, employed to work in a public school under the supervision
21 of a school nurse;

22 ~~(54)~~ (40) "Locksmith" means a person employed to repair and
23 maintain locks and safes;

24 ~~(55)~~ ~~"Lubrication man" means a person employed to lubricate~~

1 ~~and service gasoline or diesel powered equipment of a county school~~
2 ~~system;~~

3 ~~(56)~~ (41) "Machinist" means a person employed to perform
4 machinist tasks which include the ability to operate a lathe,
5 planer, shaper, threading machine and wheel press. A person
6 holding this class title also should have the ability to work from
7 blueprints and drawings;

8 ~~(57)~~ (42) "Mail ~~clerk~~ Courier" means a person employed to
9 receive, sort, dispatch, deliver or otherwise handle letters,
10 parcels and other mail, subject to the following:

11 (A) Any employee holding the classification tile of Mail Clerk
12 on June 30, 2012, shall have that class title deleted from his or
13 her contract of employment and replaced with the classification
14 title of Mail Courier. This action does not require the employee
15 to take the Mail Courier competency test and does not result in a
16 loss or reduction of the employee's salary or supplement; and

17 (B) Seniority earned in the classification title of Mail Clerk
18 prior to July 1, 2012, shall be credited as seniority earned in the
19 Mail Courier classification category;

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

23 ~~(59)~~ (43) "Mason" means a person employed to perform tasks
24 connected with brick and block laying and carpentry tasks related

1 to these activities;

2 ~~(60)~~ (44) "Mechanic" means a person employed to perform
3 skilled duties independently in the maintenance and repair of
4 automobiles, school buses and other mechanical and mobile equipment
5 to use in a county school system, subject to the following:

6 (A) Any employee holding the classification titles of
7 Lubrication Man or Mechanic Assistant on June 30, 2012, shall have
8 that class title deleted from his or her contract of employment and
9 replaced with the classification title of Mechanic. This action
10 does not require the employee to take the Mechanic competency test
11 and does not result in a loss or reduction of the employee's salary
12 or supplement; and

13 (B) Seniority earned in the classification titles of
14 Lubrication Man and Mechanic Assistant prior to July 1, 2012, shall
15 be credited as seniority earned in the Mechanic classification
16 category;

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

19 ~~(62)~~ (45) "Multiclassification" means a person employed to
20 perform tasks that involve the combination of two or more class
21 titles in this section. In these instances the minimum salary
22 scale shall be the higher pay grade of the class titles involved;

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

1 ~~(64) "Office equipment repairman II" means a person~~
2 ~~responsible for servicing and repairing all office machines and~~
3 ~~equipment. A person holding this class title is responsible for~~
4 ~~the purchase of parts necessary for the proper operation of a~~
5 ~~program of continuous maintenance and repair;~~

6 ~~(65)~~ (46) "Painter" means a person employed to perform duties
7 painting, finishing and decorating wood, metal and concrete
8 surfaces of buildings, other structures, equipment, machinery and
9 furnishings of a county school system;

10 ~~(66)~~ (47) "Paraprofessional" means a person certified pursuant
11 to section two-a, article three of this chapter to perform duties
12 in a support capacity including, but not limited to, facilitating
13 in the instruction and direct or indirect supervision of students
14 under the direction of a principal, a teacher or another designated
15 professional educator.

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

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

24 (C) When a service person who holds an aide title becomes

1 certified as a paraprofessional and is required to perform duties
2 that may not be performed by an aide without paraprofessional
3 certification, he or she shall receive the paraprofessional title
4 pay grade;

5 ~~(67)~~ (48) "Payroll Supervisor" means a person employed in the
6 county board office who has primary responsibility for the payroll
7 function and who either has completed twelve college hours of
8 accounting from an accredited institution of higher education or
9 has at least eight years of experience performing progressively
10 difficult accounting tasks. Responsibilities of this class title
11 may include supervision of other personnel;

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

14 ~~(69)~~ (49) "Plumber II" means a person employed ~~as a journeyman~~
15 plumber to provide general repair, maintenance and installation of
16 utility lines and systems necessary for heat, water and sewage
17 disposal in school system facilities for the efficient maintenance
18 and preventive maintenance of school system plans, subject to the
19 following:

20 (A) Any employee holding the classification titles of Plumber
21 I on June 30, 2012, shall have that class title deleted from his or
22 her contract of employment and replaced with the classification
23 title of Plumber II. This action does not require the employee to
24 take the plumber competency test and does not require the employee

1 to acquire any additional licensure. This action also does not
2 result in a loss or reduction of the employee's salary or
3 supplement; and

4 (B) Seniority earned in the classification title of Plumber I
5 prior to July 1, 2012, shall continue to be credited as seniority
6 earned in the plumber classification category;

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

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

12 ~~(72)~~ (50) "Programmer" means a person employed to design and
13 prepare programs for computer operation;

14 ~~(73)~~ (51) "Roofing/Sheet Metal Mechanic" means a person
15 employed to install, repair, fabricate and maintain roofs, gutters,
16 flashing and duct work for heating and ventilation;

17 ~~(74)~~ (52) "Sanitation Plant Operator" means a person employed
18 to operate and maintain a water or sewage treatment plant to ensure
19 the safety of the plant's effluent for human consumption or
20 environmental protection;

21 ~~(75)~~ (53) "School Bus Supervisor" means a qualified person:

22 (A) Employed to assist in selecting ~~school~~ Bus Operators and
23 routing and scheduling school buses, operate a bus when needed,
24 relay instructions to bus operators, plan emergency routing of

1 buses and promote good relationships with parents, students, bus
2 operators and other employees; and

3 (B) Certified to operate a bus or previously certified to
4 operate a bus;

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

8 ~~(77)~~ (54) "Secretary II" means a person employed in any
9 elementary, secondary, kindergarten, nursery, special education,
10 ~~vocational~~ career or technical or any other school as a secretary.
11 The duties may include performing general clerical tasks;
12 transcribing from notes, audio and/or electronic ~~stenotype,~~
13 ~~mechanical~~ equipment; ~~or a sound-producing machine~~ preparing
14 reports; receiving callers and referring them to proper persons;
15 operating switchboard equipment; operating office machines; keeping
16 records and handling routine correspondence. Nothing in this
17 subdivision prevents a service person from holding or being
18 elevated to a higher classification.

19 (A) Any employee holding the classification title of Secretary
20 I or Switchboard Operator-Receptionist on June 30, 2012, shall have
21 that class title deleted from his or her contract of employment and
22 the classification title of Secretary II added to his or her
23 contract of employment. This action will not require the employee
24 to take the secretary competency test and shall not result in a

1 loss or reduction of salary or supplement by the employee.

2 (B) Seniority earned in the classification titles of Secretary
3 I or Switchboard Operator-Receptionist prior to July 1, 2012, shall
4 be credited as seniority earned in the Secretary classification
5 category;

6 ~~(78)~~ (55) "Secretary III" means a person assigned to the
7 county board office administrators in charge of various
8 instructional, maintenance, transportation, food services,
9 operations and health departments, federal programs or departments
10 with particular responsibilities in purchasing and financial
11 control or any person who has served for eight years in a position
12 which meets the definition of "secretary II" or "secretary III";

13 (56) "Sign Language Interpreter I" means a person employed by
14 a county board to provide sign language interpretation, both
15 receptively and expressively, for students who are deaf or hearing
16 impaired, are able to access environments through audition, and use
17 American Sign Language as a supplement to the communication
18 process. The duties of this employee shall include, but not be
19 limited to, facilitating communication between spoken and signed
20 languages for and between deaf or hearing impaired students and
21 faculty, staff and other students. Employees within this
22 classification title must meet the requirements for initial
23 certification as a paraprofessional/education interpreter as
24 provided by state board rule. Provided, That a Sign Language

1 Interpreter I may be assigned to a student with an exceptionality
2 other than deaf or hearing impairment if it is determined that the
3 student needs sign language to support his or her expressive
4 communication.

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

21 ~~(79)~~ (58) "Supervisor of Maintenance" means a skilled person
22 who is not a professional person or professional educator as
23 defined in section one, article one of this chapter. The
24 responsibilities include directing the upkeep of buildings and

1 shops, and issuing instructions to subordinates relating to
2 cleaning, repairs and maintenance of all structures and mechanical
3 and electrical equipment of a county board;

4 ~~(80)~~ (59) "Supervisor of Transportation" means a qualified
5 person employed to direct school transportation activities properly
6 and safely, and to supervise the maintenance and repair of
7 vehicles, buses and other mechanical and mobile equipment used by
8 the county school system. After July 1, 2010, all persons employed
9 for the first time in a position with this classification title or
10 in a multiclassification position that includes this title shall
11 have five years of experience working in the transportation
12 department of a county board. Experience working in the
13 transportation department shall consist of serving as a Bus
14 Operator, bus aide, assistant mechanic, Mechanic, Chief Mechanic or
15 in a clerical position within the transportation department;

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

20 (60) "Technology System Specialist" means a qualified person
21 employed to perform hands-on repair, service, maintenance and
22 installation of local area networks, servers, computers, computer
23 work stations, printers, computer related equipment, computer
24 related systems, computer related technologies and other office

1 electronic equipment used in the areas of data sharing,
2 communication, printing, visual teaching aids and security in the
3 school system, subject to the following:

4 (A) Any employee holding the classification title of
5 Audiovisual Technician, Electronic Technician I or II, Office
6 Equipment Repairman I or Office Equipment Repairman II on June 30,
7 2012 shall have that class title deleted from his or her contract
8 of employment and replaced with the classification title of
9 Technology System Specialist. This action does not require the
10 employee to take the Technology Systems Specialist competency test
11 and does not result in a loss or reduction of the employee's salary
12 or supplement; and

13 (B) Seniority earned in the classification titles of
14 Audiovisual Technician, Electronic Technician I or Electronic
15 Technician II, Office Equipment Repairman I or Office Equipment
16 Repairman II prior to July 1, 2012, shall be credited as seniority
17 earned in the Technology Systems Specialist classification
18 category;

19 ~~(82)~~ (61) "Truck Driver" means a person employed to operate
20 light or heavy duty gasoline and diesel-powered vehicles;

21 ~~(83)~~ (62) "Warehouse Clerk" means a person employed to be
22 responsible for receiving, storing, packing and shipping goods,
23 subject to the following:

24 (A) Any employee holding the classification title of

1 Maintenance Clerk on June 30, 2012, shall have that class title
2 deleted from his or her contract of employment and replaced with
3 the classification title of Warehouse Clerk. This action does not
4 require the employee to take the Warehouse Clerk competency test
5 and does not result in a loss or reduction of the employee's salary
6 or supplement; and

7 (B) Seniority earned in the classification titles of
8 Maintenance Clerk prior to July 1, 2012, shall be credited as
9 seniority earned in the Warehouse Clerk classification category;
10 and

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

15 ~~(85)~~ (63) "Welder" means a person employed to provide
16 acetylene or electric welding services for a school system. ~~and~~

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

23 (j) Notwithstanding any provision in this code to the
24 contrary, and in addition to the compensation provided for service

1 personnel in section eight-a of this article, each service person
2 is entitled to all service personnel employee rights, privileges
3 and benefits provided under this or any other chapter of this code
4 without regard to the employee's hours of employment or the methods
5 or sources of compensation.

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

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

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

24 (1) Reclassified by class title; or

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

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

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

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

24 (q) Without the written consent of the service person, a

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

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

1 by a service person with itinerant status. A service person who is
2 assigned to a beginning and ending work site and travels at the
3 expense of the county board to other work sites during the daily
4 schedule, shall not be considered to hold itinerant status.

5 **§18A-4-8a. Service personnel minimum monthly salaries.**

6 (a) The minimum monthly pay for each service employee shall be
7 as follows:

8 (1) Effective July 1, 2010, through June 30, 2011, the minimum
9 monthly pay for each service employee whose employment is for a
10 period of more than three and one-half hours a day shall be at
11 least the amounts indicated in the 2010-2011 State Minimum Pay
12 Scale Pay Grade and the minimum monthly pay for each service
13 employee whose employment is for a period of three and one-half
14 hours or less a day shall be at least one-half the amount indicated
15 in the 2010-2011 State Minimum Pay Scale Pay Grade set forth in
16 this subdivision.

17 Beginning July 1, 2011, and continuing thereafter, the minimum
18 monthly pay for each service employee whose employment is for a
19 period of more than three and one-half hours a day shall be at
20 least the amounts indicated in the 2011-2012 State Minimum Pay
21 Scale Pay Grade and the minimum monthly pay for each service
22 employee whose employment is for a period of three and one-half
23 hours or less a day shall be at least one-half the amount indicated
24 in the 2011-2012 State Minimum Pay Scale Pay Grade set forth in

1 this section subdivision.

| 2 2010-2011 STATE MINIMUM PAY SCALE PAY GRADE | | | | | | | | | |
|---|--------|-------------|-------|-------|-------|-------|-------|-------|-------|
| 3 Years | | | | | | | | | |
| 4 | 5 Exp. | 6 Pay Grade | | | | | | | |
| | | A | B | C | D | E | F | G | H |
| 6 | 0 | 1,577 | 1,598 | 1,639 | 1,691 | 1,743 | 1,805 | 1,836 | 1,908 |
| 7 | 1 | 1,609 | 1,630 | 1,671 | 1,723 | 1,775 | 1,837 | 1,868 | 1,940 |
| 8 | 2 | 1,641 | 1,662 | 1,703 | 1,755 | 1,807 | 1,869 | 1,900 | 1,972 |
| 9 | 3 | 1,673 | 1,694 | 1,735 | 1,787 | 1,839 | 1,901 | 1,932 | 2,004 |
| 10 | 4 | 1,705 | 1,726 | 1,767 | 1,819 | 1,871 | 1,933 | 1,964 | 2,037 |
| 11 | 5 | 1,737 | 1,758 | 1,799 | 1,851 | 1,903 | 1,965 | 1,996 | 2,069 |
| 12 | 6 | 1,769 | 1,790 | 1,832 | 1,883 | 1,935 | 1,997 | 2,028 | 2,101 |
| 13 | 7 | 1,802 | 1,822 | 1,864 | 1,915 | 1,967 | 2,029 | 2,060 | 2,133 |
| 14 | 8 | 1,834 | 1,854 | 1,896 | 1,947 | 1,999 | 2,061 | 2,092 | 2,165 |
| 15 | 9 | 1,866 | 1,886 | 1,928 | 1,980 | 2,031 | 2,093 | 2,124 | 2,197 |
| 16 | 10 | 1,898 | 1,919 | 1,960 | 2,012 | 2,063 | 2,126 | 2,157 | 2,229 |
| 17 | 11 | 1,930 | 1,951 | 1,992 | 2,044 | 2,095 | 2,158 | 2,189 | 2,261 |
| 18 | 12 | 1,962 | 1,983 | 2,024 | 2,076 | 2,128 | 2,190 | 2,221 | 2,293 |
| 19 | 13 | 1,994 | 2,015 | 2,056 | 2,108 | 2,160 | 2,222 | 2,253 | 2,325 |
| 20 | 14 | 2,026 | 2,047 | 2,088 | 2,140 | 2,192 | 2,254 | 2,285 | 2,357 |
| 21 | 15 | 2,058 | 2,079 | 2,120 | 2,172 | 2,224 | 2,286 | 2,317 | 2,389 |
| 22 | 16 | 2,090 | 2,111 | 2,152 | 2,204 | 2,256 | 2,318 | 2,349 | 2,422 |
| 23 | 17 | 2,122 | 2,143 | 2,185 | 2,236 | 2,288 | 2,350 | 2,381 | 2,454 |
| 24 | 18 | 2,154 | 2,175 | 2,217 | 2,268 | 2,320 | 2,382 | 2,413 | 2,486 |
| 25 | 19 | 2,187 | 2,207 | 2,249 | 2,300 | 2,352 | 2,414 | 2,445 | 2,518 |
| 26 | 20 | 2,219 | 2,239 | 2,281 | 2,333 | 2,384 | 2,446 | 2,477 | 2,550 |
| 27 | 21 | 2,251 | 2,271 | 2,313 | 2,365 | 2,416 | 2,478 | 2,509 | 2,582 |
| 28 | 22 | 2,283 | 2,304 | 2,345 | 2,397 | 2,448 | 2,511 | 2,542 | 2,614 |
| 29 | 23 | 2,315 | 2,336 | 2,377 | 2,429 | 2,481 | 2,543 | 2,574 | 2,646 |
| 30 | 24 | 2,347 | 2,368 | 2,409 | 2,461 | 2,513 | 2,575 | 2,606 | 2,678 |
| 31 | 25 | 2,379 | 2,400 | 2,441 | 2,493 | 2,545 | 2,607 | 2,638 | 2,710 |
| 32 | 26 | 2,411 | 2,432 | 2,473 | 2,525 | 2,577 | 2,639 | 2,670 | 2,742 |
| 33 | 27 | 2,443 | 2,464 | 2,505 | 2,557 | 2,609 | 2,671 | 2,702 | 2,774 |

2010-2011 STATE MINIMUM PAY SCALE PAY GRADE

| Years | | Pay Grade | | | | | | | | |
|-------|------|-----------|-------|-------|-------|-------|-------|-------|-------|----|
| 1 | Exp. | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| 1 | 28 | 2,475 | 2,496 | 2,537 | 2,589 | 2,641 | 2,703 | 2,734 | 2,807 | |
| 2 | 29 | 2,507 | 2,528 | 2,570 | 2,621 | 2,673 | 2,735 | 2,766 | 2,839 | |
| 3 | 30 | 2,540 | 2,560 | 2,602 | 2,653 | 2,705 | 2,767 | 2,798 | 2,871 | |
| 4 | 31 | 2,572 | 2,592 | 2,634 | 2,685 | 2,737 | 2,799 | 2,830 | 2,903 | |
| 5 | 32 | 2,604 | 2,624 | 2,666 | 2,718 | 2,769 | 2,831 | 2,862 | 2,935 | |
| 6 | 33 | 2,636 | 2,656 | 2,698 | 2,750 | 2,801 | 2,863 | 2,895 | 2,967 | |
| 7 | 34 | 2,668 | 2,689 | 2,730 | 2,782 | 2,833 | 2,896 | 2,927 | 2,999 | |
| 8 | 35 | 2,700 | 2,721 | 2,762 | 2,814 | 2,866 | 2,928 | 2,959 | 3,031 | |
| 9 | 36 | 2,732 | 2,753 | 2,794 | 2,846 | 2,898 | 2,960 | 2,991 | 3,063 | |
| 10 | 37 | 2,764 | 2,785 | 2,826 | 2,878 | 2,930 | 2,992 | 3,023 | 3,095 | |
| 11 | 38 | 2,796 | 2,817 | 2,858 | 2,910 | 2,962 | 3,024 | 3,055 | 3,127 | |
| 12 | 39 | 2,828 | 2,849 | 2,890 | 2,942 | 2,994 | 3,056 | 3,087 | 3,159 | |
| 13 | 40 | 2,860 | 2,881 | 2,922 | 2,974 | 3,026 | 3,088 | 3,119 | 3,192 | |

14 2011-2012 STATE MINIMUM PAY SCALE PAY GRADE

15 Years

| 16 | Exp. | Pay Grade | | | | | | | | |
|----|------|-----------|----------|----------|----------|----------|----------|----------|----------|--|
| 17 | | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | |
| 18 | 0 | 1,627 | 1,648 | 1,689 | 1,741 | 1,793 | 1,855 | 1,886 | 1,958 | |
| 19 | 1 | 1,659 | 1,680 | 1,721 | 1,773 | 1,825 | 1,887 | 1,918 | 1,990 | |
| 20 | 2 | 1,691 | 1,712 | 1,753 | 1,805 | 1,857 | 1,919 | 1,950 | 2,022 | |
| 21 | 3 | 1,723 | 1,744 | 1,785 | 1,837 | 1,889 | 1,951 | 1,982 | 2,054 | |
| 22 | 4 | 1,755 | 1,776 | 1,817 | 1,869 | 1,921 | 1,983 | 2,014 | 2,087 | |
| 23 | 5 | 1,787 | 1,808 | 1,849 | 1,901 | 1,953 | 2,015 | 2,046 | 2,119 | |
| 24 | 6 | 1,819 | 1,840 | 1,882 | 1,933 | 1,985 | 2,047 | 2,078 | 2,151 | |
| 25 | 7 | 1,852 | 1,872 | 1,914 | 1,965 | 2,017 | 2,079 | 2,110 | 2,183 | |
| 26 | 8 | 1,884 | 1,904 | 1,946 | 1,997 | 2,049 | 2,111 | 2,142 | 2,215 | |
| 27 | 9 | 1,916 | 1,936 | 1,978 | 2,030 | 2,081 | 2,143 | 2,174 | 2,247 | |
| 28 | 10 | 1,948 | 1,969 | 2,010 | 2,062 | 2,113 | 2,176 | 2,207 | 2,279 | |
| 29 | 11 | 1,980 | 2,001 | 2,042 | 2,094 | 2,145 | 2,208 | 2,239 | 2,311 | |
| 30 | 12 | 2,012 | 2,033 | 2,074 | 2,126 | 2,178 | 2,240 | 2,271 | 2,343 | |

| | | | | | | | | | |
|----|----|-------|-------|-------|-------|-------|-------|-------|-------|
| 1 | 13 | 2,044 | 2,065 | 2,106 | 2,158 | 2,210 | 2,272 | 2,303 | 2,375 |
| 2 | 14 | 2,076 | 2,097 | 2,138 | 2,190 | 2,242 | 2,304 | 2,335 | 2,407 |
| 3 | 15 | 2,108 | 2,129 | 2,170 | 2,222 | 2,274 | 2,336 | 2,367 | 2,439 |
| 4 | 16 | 2,140 | 2,161 | 2,202 | 2,254 | 2,306 | 2,368 | 2,399 | 2,472 |
| 5 | 17 | 2,172 | 2,193 | 2,235 | 2,286 | 2,338 | 2,400 | 2,431 | 2,504 |
| 6 | 18 | 2,204 | 2,225 | 2,267 | 2,318 | 2,370 | 2,432 | 2,463 | 2,536 |
| 7 | 19 | 2,237 | 2,257 | 2,299 | 2,350 | 2,402 | 2,464 | 2,495 | 2,568 |
| 8 | 20 | 2,269 | 2,289 | 2,331 | 2,383 | 2,434 | 2,496 | 2,527 | 2,601 |
| 9 | 21 | 2,301 | 2,321 | 2,363 | 2,415 | 2,466 | 2,528 | 2,559 | 2,634 |
| 10 | 22 | 2,333 | 2,354 | 2,395 | 2,447 | 2,498 | 2,561 | 2,593 | 2,666 |
| 11 | 23 | 2,365 | 2,386 | 2,427 | 2,479 | 2,531 | 2,594 | 2,625 | 2,699 |
| 12 | 24 | 2,397 | 2,418 | 2,459 | 2,511 | 2,563 | 2,627 | 2,658 | 2,732 |
| 13 | 25 | 2,429 | 2,450 | 2,491 | 2,543 | 2,596 | 2,659 | 2,691 | 2,764 |
| 14 | 26 | 2,461 | 2,482 | 2,523 | 2,576 | 2,629 | 2,692 | 2,723 | 2,797 |
| 15 | 27 | 2,493 | 2,514 | 2,555 | 2,608 | 2,661 | 2,724 | 2,756 | 2,829 |
| 16 | 28 | 2,525 | 2,546 | 2,588 | 2,641 | 2,694 | 2,757 | 2,789 | 2,863 |
| 17 | 29 | 2,557 | 2,579 | 2,621 | 2,673 | 2,726 | 2,790 | 2,821 | 2,896 |
| 18 | 30 | 2,591 | 2,611 | 2,654 | 2,706 | 2,759 | 2,822 | 2,854 | 2,928 |
| 19 | 31 | 2,623 | 2,644 | 2,687 | 2,739 | 2,792 | 2,855 | 2,887 | 2,961 |
| 20 | 32 | 2,656 | 2,676 | 2,719 | 2,772 | 2,824 | 2,888 | 2,919 | 2,994 |
| 21 | 33 | 2,689 | 2,709 | 2,752 | 2,805 | 2,857 | 2,920 | 2,953 | 3,026 |
| 22 | 34 | 2,721 | 2,743 | 2,785 | 2,838 | 2,890 | 2,954 | 2,986 | 3,059 |
| 23 | 35 | 2,754 | 2,775 | 2,817 | 2,870 | 2,923 | 2,987 | 3,018 | 3,092 |
| 24 | 36 | 2,787 | 2,808 | 2,850 | 2,903 | 2,956 | 3,019 | 3,051 | 3,124 |
| 25 | 37 | 2,819 | 2,841 | 2,883 | 2,936 | 2,989 | 3,052 | 3,083 | 3,157 |
| 26 | 38 | 2,852 | 2,873 | 2,915 | 2,968 | 3,021 | 3,084 | 3,116 | 3,190 |
| 27 | 39 | 2,885 | 2,906 | 2,948 | 3,001 | 3,054 | 3,117 | 3,149 | 3,222 |
| 28 | 40 | 2,917 | 2,939 | 2,980 | 3,033 | 3,087 | 3,150 | 3,181 | 3,256 |

29 (2) Each service employee shall receive the amount prescribed
30 in the Minimum Pay Scale in accordance with the provisions of this
31 subsection according to their class title and pay grade as set
32 forth in this subdivision:

| 1 CLASS TITLE | PAY GRADE |
|---|--------------|
| 2 Accountant I | D |
| 3 Accountant II | E |
| 4 Accountant III | F |
| 5 Accounts Payable Supervisor | G |
| 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 | <u>Graphic Communication Operator</u> | <u>G</u> |
| 20 | Graphic Artist <u>Designer</u> | D |
| 21 | Groundsman | B |
| 22 | Handyman | B |
| 23 | Heating and Air Conditioning Mechanic I | E |
| 24 | Heating and Air Conditioning Mechanic II | G |

| | | |
|----|--|--------------|
| 1 | Heavy Equipment Operator | E |
| 2 | Inventory Supervisor | D |
| 3 | Key Punch Operator | B |
| 4 | Licensed Practical Nurse | F |
| 5 | Locksmith | G |
| 6 | Lubrication Man | C |
| 7 | Machinist | F |
| 8 | Mail Clerk <u>Courier</u> | 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 Sign Language Interpreter I F

6 Sign Language Interpreter II G

7 Supervisor of Maintenance H

8 Supervisor of Transportation H

9 ~~Switchboard Operator-Receptionist D~~

10 Technology System Specialist G

11 Truck Driver D

12 Warehouse Clerk C

13 ~~Watchman B~~

14 Welder F

15 ~~WVEIS Data Entry and Administrative Clerk B~~

16 (b) An additional \$12 per month shall be added to the minimum

17 monthly pay of each service employee who holds a high school

18 diploma or its equivalent.

19 (c) An additional \$11 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 twelve college hours or

23 comparable credit obtained in a trade or vocational school as

24 approved by the state board;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (f) When any part of a school service employee's daily shift
24 of work is performed between the hours of six o'clock p.m. and five

1 o'clock a.m. the following day, the employee shall be paid no less
2 than an additional \$10 per month and one half of the pay shall be
3 paid with local funds.

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

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

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

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

23 ~~(1) Provided, That~~ An alternative minimum hourly rate of pay
24 for performing extra duty assignments within a particular category

1 of employment may be used if the alternate hourly rate of pay is
2 approved both by the county board and by the affirmative vote of a
3 two-thirds majority of the regular full-time employees within that
4 classification category of employment within that county.
5 ~~Provided, however, That~~ The vote shall be by secret ballot if
6 requested by a service ~~personnel employee~~ person within that
7 classification category within that county;

8 (2) The salary for any fraction of an hour the employee is
9 involved in performing the assignment shall be prorated
10 accordingly; and

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

15 (k) The minimum pay for any service personnel employees
16 engaged in the removal of asbestos material or related duties
17 required for asbestos removal shall be their regular total daily
18 rate of pay and no less than an additional \$3 per hour or no less
19 than \$5 per hour for service personnel supervising asbestos removal
20 responsibilities for each hour these employees are involved in
21 asbestos related duties. Related duties required for asbestos
22 removal include, but are not limited to, travel, preparation of the
23 work site, removal of asbestos decontamination of the work site,
24 placing and removal of equipment and removal of structures from the

1 site. If any member of an asbestos crew is engaged in asbestos
2 related duties outside of the employee's regular employment county,
3 the daily rate of pay shall be no less than the minimum amount as
4 established in the employee's regular employment county for
5 asbestos removal and an additional \$30 per each day the employee is
6 engaged in asbestos removal and related duties. The additional pay
7 for asbestos removal and related duties shall be payable entirely
8 from county funds. Before service personnel ~~employees~~ may be used
9 in the removal of asbestos material or related duties, they shall
10 have completed a federal Environmental Protection Act approved
11 training program and be licensed. The employer shall provide all
12 necessary protective equipment and maintain all records required by
13 the Environmental Protection Act.

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

1 the aide.

2 **§18A-4-8b. Seniority rights for school service personnel.**

3 (a) A county board shall make decisions affecting promotions
4 and the filling of any service personnel positions of employment or
5 jobs occurring throughout the school year that are to be performed
6 by service personnel as provided in section eight of this article,
7 on the basis of seniority, qualifications and evaluation of past
8 service.

9 (b) Qualifications means the applicant holds a classification
10 title in his or her category of employment as provided in this
11 section and is given first opportunity for promotion and filling
12 vacancies. Other employees then shall be considered and shall
13 qualify by meeting the definition of the job title that relates to
14 the promotion or vacancy, as defined in section eight of this
15 article. If requested by the employee, the county board shall show
16 valid cause why a service person with the most seniority is not
17 promoted or employed in the position for which he or she applies.
18 Qualified applicants shall be considered in the following order:

19 (1) Regularly employed service personnel who hold a
20 classification title within the classification category of the
21 vacancy;

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

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

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

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

8 (6) Substitute service personnel who do not hold a
9 classification title within the classification category of the
10 vacancy; and

11 (7) New service personnel.

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

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

19 (1) A promotion includes a transfer to another classification
20 category or place of employment if the position is not filled by an
21 employee who holds a title within that classification category of
22 employment.

23 (2) Each class title listed in section eight of this article
24 is considered a separate classification category of employment for

1 service personnel, except for those class titles having Roman
2 numeral designations, which are considered a single classification
3 of employment:

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

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

8 (C) Paraprofessional, Autism Mentor, ~~and Braille or sign~~
9 ~~language Specialist~~ and Sign Language Interpreter I and II class
10 titles are included in the same classification category as aides;
11 and

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

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

17 (4) Assignment of a custodian to work shifts in a school or
18 work site is based on seniority within the custodian classification
19 category.

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

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

24 (1) For the purpose of this section, "extra-duty assignment"

1 means an irregular job that occurs periodically or occasionally
2 such as, but not limited to, field trips, athletic events, proms,
3 banquets and band festival trips.

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

7 (A) A service person with the greatest length of service time
8 in a particular category of employment is given priority in
9 accepting extra duty assignments, followed by other fellow
10 employees on a rotating basis according to the length of their
11 service time until all employees have had an opportunity to perform
12 similar assignments. The cycle then is repeated.

13 (B) An alternative procedure for making extra-duty assignments
14 within a particular classification category of employment may be
15 used if the alternative procedure is approved both by the county
16 board and by an affirmative vote of two-thirds of the employees
17 within that classification category of employment.

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

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

24 (2) Notice of a job vacancy shall include the job description,

1 the period of employment, the work site, the starting and ending
2 time of the daily shift, the amount of pay and any benefits and
3 other information that is helpful to prospective applicants to
4 understand the particulars of the job. The notice of a job vacancy
5 in the aide classification categories shall include the program or
6 primary assignment of the position. Job postings for vacancies
7 made pursuant to this section shall be written to ensure that the
8 largest possible pool of qualified applicants may apply. Job
9 postings may not require criteria which are not necessary for the
10 successful performance of the job and may not be written with the
11 intent to favor a specific applicant.

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

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

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

22 (i) The seniority of a service person is determined on the
23 basis of the length of time the employee has been employed by the
24 county board within a particular job classification. For the

1 purpose of establishing seniority for a preferred recall list as
2 provided in this section, a service person who has been employed in
3 one or more classifications retains the seniority accrued in each
4 previous classification.

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

8 (1) The employee with the least amount of seniority within
9 that classification or grades of classification is properly
10 released and employed in a different grade of that classification
11 if there is a job vacancy;

12 (2) If there is no job vacancy for employment within that
13 classification or grades of classification, the service person is
14 employed in any other job classification which he or she previously
15 held with the county board if there is a vacancy and retains any
16 seniority accrued in the job classification or grade of
17 classification.

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

22 (1) If the board makes this determination, it shall rescind
23 the reduction in force or transfer and notify the affected employee
24 in writing of the right to be restored to his or her former

1 position of employment.

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

6 (3) The county board may not rescind the reduction in force of
7 an employee until all service personnel with more seniority in the
8 classification category on the preferred recall list have been
9 offered the opportunity for recall to regular employment as
10 provided in this section.

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

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

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

1 (n) A service person placed upon the preferred recall list
2 shall be recalled to any position openings by the county board
3 within the classification(s) where he or she had previously been
4 employed, to any lateral position for which the service person is
5 qualified or to a lateral area for which a service person has
6 certification and/or licensure.

7 (o) A service person on the preferred recall list does not
8 forfeit the right to recall by the county board if compelling
9 reasons require him or her to refuse an offer of reemployment by
10 the county board.

11 (p) The county board shall notify all service personnel on the
12 preferred recall list of all position openings that exist from time
13 to time. The notice shall be sent by certified mail to the last
14 known address of the service person. Each service person shall
15 notify the county board of any change of address.

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

21 (r) A service person released from employment for lack of need
22 as provided in sections six and eight-a, article two of this
23 chapter is accorded preferred recall status on July 1 of the
24 succeeding school year if he or she has not been reemployed as a

1 regular employee.

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

7 (1) A service person denied promotion or employment in
8 violation of this section shall be awarded the job, pay and any
9 applicable benefits retroactively to the date of the violation and
10 shall be paid entirely from local funds.

11 (2) The county board is liable to any party prevailing against
12 the board for any court reporter costs including copies of
13 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.