

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2470**

4 (By Delegate Poling, M.)

5 (Originating in the Committee on Finance)

6 [March 29, 2013]

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9  
10 A BILL to amend and reenact §18-20-2 of the Code of West Virginia,  
11 1931, as amended; to amend and reenact §18A-2-4 of said code;  
12 and to amend and reenact §18A-4-8 and §18A-4-8a of said code,  
13 all relating to school service personnel classification,  
14 compensation, duties, requirements and training; establishing  
15 certain service personnel classification titles and setting  
16 their wages; specifying employment requirements and duties for  
17 certain classifications titles; modifying certain service  
18 personnel classification titles; and establishing conditions  
19 for employer payment of and continuing education credit  
20 accrual for certain certification acquisition.

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

22 That §18-20-2 of the Code of West Virginia, 1931, as amended,  
23 be amended and reenacted; that §18A-2-4 of said code be amended and  
24 reenacted; and that §18A-4-8 and §18A-4-8a of said code be amended  
25 and reenacted, all to read as follows:

26 **CHAPTER 18. EDUCATION.**

1 **ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.**

2 **§18-20-2. Providing suitable educational facilities, equipment and**  
3 **services.**

4 (a) Each county board shall provide suitable educational  
5 facilities, special equipment and special services that are  
6 necessary. Special services include provisions and procedures for  
7 finding and enumerating exceptional children of each type,  
8 diagnosis by appropriate specialists who will certify the child's  
9 need and eligibility for special education and make recommendations  
10 for treatment and prosthesis as may alleviate the disability,  
11 special teaching by qualified and specially trained teachers,  
12 transportation, lunches and remedial therapeutic services.  
13 Qualifications of teachers and therapists shall be in accordance  
14 with standards prescribed or approved by the state board.

15 (b) A county board may provide for educating resident  
16 exceptional children by contracting with other counties or other  
17 educational agencies which maintain special education facilities.  
18 Fiscal matters shall follow policies approved by the state board.

19 (c) The county board shall provide a four-clock-hour program  
20 of training for any teacher aide employed to assist teachers in  
21 providing services to exceptional children under this article prior  
22 to the assignment. The program shall consist of training in areas  
23 specifically related to the education of exceptional children,  
24 pursuant to rules of the state board. The training shall occur  
25 during normal working hours and an opportunity to be trained shall

1 be provided to a service person prior to filling a vacancy in  
2 accordance with the provisions of section eight-b, article four,  
3 chapter eighteen-a of this code.

4 (d) The county board annually shall make available during  
5 normal working hours to all regularly employed teachers' aides  
6 twelve hours of training that satisfies the continuing education  
7 requirements for the aides regarding:

8 (1) Providing services to children who have displayed violent  
9 behavior or have demonstrated the potential for violent behavior;  
10 and

11 (2) Providing services to children diagnosed as autistic or  
12 with autism spectrum disorder. This training shall be structured  
13 to permit the employee to qualify as an autism mentor after a  
14 minimum of four years of training. The county board shall:

15 (A) Notify in writing all teachers' aides of the location,  
16 date and time when training will be offered for qualification as an  
17 autism mentor; and

18 (B) Reimburse any regularly employed or substitute teacher's  
19 aide who elects to attend this training for one half of the cost of  
20 the tuition.

21 (e) For any student whose individualized education plan (IEP)  
22 or education plan established pursuant to Section 504 of the  
23 Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, requires  
24 the services of a sign support specialist or an educational sign  
25 language interpreter I or II:

26 (1) Any educational sign language interpreter I or II assigned

1 to assist that student is a related service provider member of the  
2 education team who participates in IEP meetings and works with the  
3 team to implement the IEP;

4 (2) A sign support specialist may be assigned to a student  
5 with an exceptionality other than deaf or hard of hearing if it is  
6 determined that the student needs signs to support his or her  
7 expressive communication; and

8 (3) A sign support specialist may be assigned to a student who  
9 is deaf or hard of hearing in lieu of an interpreter only if an  
10 educational sign language interpreter I or II is unavailable, and  
11 the sign support specialist is executing a professional development  
12 plan while actively seeking certification as an educational sign  
13 language interpreter I or II. After two years the sign support  
14 specialist may remain in the assignment only if an educational sign  
15 language interpreter I or II remains unavailable, and with an  
16 approved waiver by the West Virginia Department of Education. An  
17 employee in this situation is entitled to full payment of the costs  
18 of certification acquisition or renewal pursuant to the  
19 certification renewal provisions of section four, article two,  
20 chapter eighteen-a of this code.

21 **CHAPTER 18A. SCHOOL PERSONNEL.**

22 **ARTICLE 2. SCHOOL PERSONNEL.**

23 **§18A-2-4. Commercial driver's license for school personnel;**  
24 **intrastate waiver for bus operators diagnosed with**  
25 **diabetes mellitus requiring insulin; reimbursement**

1                   **of electrician's and commercial driver's license**  
2                   **when required, and educational sign language**  
3                   **interpreter certification.**

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

8           ~~It is unlawful for any county board of education to~~ A county  
9 board may not require any employee or applicant who becomes an  
10 employee of the board to pay the cost of acquiring a commercial  
11 driver's license as a condition of employment.

12           (b) The Division of Motor Vehicles shall accept the West  
13 Virginia Department of Education physical and psychomotor test  
14 result forms in lieu of the Division of Motor Vehicles vision  
15 report form.

16           (c) A school bus operator who is currently employed by a  
17 county board ~~of education~~ or who is otherwise subject to state  
18 board rules governing school bus operators and who is diagnosed  
19 with diabetes mellitus requiring insulin is not ineligible for  
20 employment as a school bus operator because of the diagnosis if the  
21 operator is issued a passenger endorsement for his or her  
22 commercial driver license through the intrastate waiver program  
23 pertaining to diabetes of the West Virginia Division of Motor  
24 Vehicles, subject to the following:

25           (1) A copy of the information required to be submitted to the

1 Division of Motor Vehicles for waiver application and proof of  
2 passenger endorsement under the waiver program is submitted to his  
3 or her employer; and

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

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

12 (e) The cost of certification renewal and satisfying the  
13 requirements of the West Virginia Registry of Interpreters is paid  
14 in full by the employer for any service person who is:

15 (1) Employed as an educational sign language interpreter I or  
16 II and is required to complete any testing, training or continuing  
17 education in order to renew or maintain certification at that  
18 level;

19 (2) Employed as an educational sign language interpreter I and  
20 is required to complete any testing, training or continuing  
21 education to advance to an educational sign language interpreter  
22 II; or

23 (3) Employed as a sign support specialist and is required to  
24 complete any testing, training or continuing education in order to  
25 advance to an educational sign language interpreter I or II.

26 (f) For any service person required to hold certification as

1 a condition of employment, any time devoted to acquiring or  
2 maintaining the certification, including instructional time and  
3 training, constitutes hours of continuing education for purposes of  
4 meeting the annual continuing education requirements in state board  
5 policy.

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

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

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

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

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

1 scale and any county supplement are applicable.

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

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

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

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

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

25 (2) A service person's schedule is considered to be  
26 interrupted if he or she does not work a continuous period in one



1 day. Aides are not regarded as working an interrupted schedule  
2 when engaged exclusively in the duties of transporting students;

3 (3) The additional compensation provided in this subsection:

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

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

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

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

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

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

24 (2) "Years of employment" means the number of years which an  
25 employee classified as a service person has been employed by a  
26 county board in any position prior to or subsequent to the

1 effective date of this section and includes service in the Armed  
2 Forces of the United States, if the employee was employed at the  
3 time of his or her induction. For the purpose of section eight-a  
4 of this article, years of employment is limited to the number of  
5 years shown and allowed under the state minimum pay scale as set  
6 forth in section eight-a of this article;

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

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

12 (5) "Accountant II" means a person employed to maintain  
13 accounting records and to be responsible for the accounting process  
14 associated with billing, budgets, purchasing and related  
15 operations;

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

19 (7) "Accounts payable supervisor" means a person employed in  
20 the county board office who has primary responsibility for the  
21 accounts payable function and who either has completed twelve  
22 college hours of accounting courses from an accredited institution  
23 of higher education or has at least eight years of experience  
24 performing progressively difficult accounting tasks.  
25 Responsibilities of this class title may include supervision of  
26 other personnel;

1 (8) "Aide I" means a person selected and trained for a  
2 teacher-aide classification such as monitor aide, clerical aide,  
3 classroom aide or general aide;

4 (9) "Aide II" means a service person referred to in the "Aide  
5 I" classification who has completed a training program approved by  
6 the state board, or who holds a high school diploma or has received  
7 a general educational development certificate. Only a person  
8 classified in an Aide II class title may be employed as an aide in  
9 any special education program

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

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

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

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

20 (A) Has completed eighteen hours of State Board-approved  
21 college credit at a regionally accredited institution of higher  
22 education, or

23 (B) Has completed fifteen hours of State Board-approved  
24 college credit at a regionally accredited institution of higher  
25 education; and has successfully completed an in-service training  
26 program determined by the State Board to be the equivalent of three

1 hours of college credit;

2 (12) "Audiovisual technician" means a person employed to  
3 perform minor maintenance on audiovisual equipment, films, and  
4 supplies and who fills requests for equipment;

5 (13) "Auditor" means a person employed to examine and verify  
6 accounts of individual schools and to assist schools and school  
7 personnel in maintaining complete and accurate records of their  
8 accounts;

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

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

22 (16) "Bus operator" means a person employed to operate school  
23 buses and other school transportation vehicles as provided by the  
24 state board;

25 (17) "Buyer" means a person employed to review and write  
26 specifications, negotiate purchase bids and recommend purchase

1 agreements for materials and services that meet predetermined  
2 specifications at the lowest available costs;

3 (18) "Cabinetmaker" means a person employed to construct  
4 cabinets, tables, bookcases and other furniture;

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

11 (20) "Carpenter I" means a person classified as a carpenter's  
12 helper;

13 (21) "Carpenter II" means a person classified as a journeyman  
14 carpenter;

15 (22) "Chief mechanic" means a person employed to be  
16 responsible for directing activities which ensure that student  
17 transportation or other county board-owned vehicles are properly  
18 and safely maintained;

19 (23) "Clerk I" means a person employed to perform clerical  
20 tasks,

21 (24) "Clerk II" means a person employed to perform general  
22 clerical tasks, prepare reports and tabulations, and operate office  
23 machines;

24 (25) "Computer operator" means a qualified person employed to  
25 operate computers;

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

1 (27) "Cook II" means a person employed to interpret menus and  
2 to prepare and serve meals in a food service program of a school.  
3 This definition includes a service person who has been employed as  
4 a "Cook I" for a period of four years;

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

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

12 (30) "Custodian I" means a person employed to keep buildings  
13 clean and free of refuse;

14 (31) "Custodian II" means a person employed as a watchman or  
15 groundsman;

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

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

23 (34) "Director or coordinator of services" means an employee  
24 of a county board who is assigned to direct a department or  
25 division.

26 (A) Nothing in this subdivision prohibits a professional

1 person or a professional educator from holding this class title;

2 (B) Professional personnel holding this class title may not be  
3 defined or classified as service personnel unless the professional  
4 person held a service personnel title under this section prior to  
5 holding the class title of "director or coordinator of services;"

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

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

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

18 (35) "Draftsman" means a person employed to plan, design and  
19 produce detailed architectural/engineering drawings;

20 (36) "Early Childhood Classroom Assistant Teacher - Temporary  
21 Authorization" means a person who does not possess minimum  
22 requirements for the permanent authorization requirements, but is  
23 enrolled in and pursuing requirements;

24 (37) "Early Childhood Classroom Assistant Teacher - Permanent  
25 Authorization" means a person who has completed the minimum  
26 requirements for a state-awarded certificate for early childhood

1 classroom assistant teachers that meet or exceed the requirements  
2 for a child development associate. Equivalency for the West  
3 Virginia Department of Education will be determined as the child  
4 development associate or the West Virginia Apprenticeship for Child  
5 Development Specialists;

6 (38) "Early Childhood Classroom Assistant Teacher -  
7 Paraprofessional Certificate" means a person who has completed  
8 permanent authorization requirements, as well as additional  
9 requirements comparable to current paraprofessional certificate;

10 (39) "Educational Sign Language Interpreter I" means a person  
11 employed to provide communication access across all educational  
12 environments to students who are deaf or hard of hearing, and who  
13 holds the Initial Paraprofessional Certificate - Educational  
14 Interpreter pursuant to state board policy;

15 (40) "Educational Sign Language Interpreter II" means a person  
16 employed to provide communication access across all educational  
17 environments to students who are deaf or hard of hearing, and who  
18 holds the Permanent Paraprofessional Certificate - Educational  
19 Interpreter pursuant to state board policy;

20 ~~(36)~~ (41) "Electrician I" means a person employed as an  
21 apprentice electrician helper or one who holds an electrician  
22 helper license issued by the State Fire Marshal;

23 ~~(37)~~ (42) "Electrician II" means a person employed as an  
24 electrician journeyman or one who holds a journeyman electrician  
25 license issued by the State Fire Marshal;

26 ~~(38)~~ (43) "Electronic technician I" means a person employed at



1 the apprentice level to repair and maintain electronic equipment;

2 ~~(39)~~ (44) "Electronic technician II" means a person employed  
3 at the journeyman level to repair and maintain electronic  
4 equipment;

5 ~~(40)~~ (45) "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)~~ (46) "Food services supervisor" means a qualified person  
10 who is not a professional person or professional educator as  
11 defined in section one, article one of this chapter. The food  
12 services supervisor is employed to manage and supervise a county  
13 school system's food service program. The duties include preparing  
14 in-service training programs for cooks and food service employees,  
15 instructing personnel in the areas of quantity cooking with economy  
16 and efficiency and keeping aggregate records and reports;

17 ~~(42)~~ (47) "Foreman" means a skilled person employed to  
18 supervise personnel who work in the areas of repair and maintenance  
19 of school property and equipment;

20 ~~(43)~~ (48) "General maintenance" means a person employed as a  
21 helper to skilled maintenance employees, and to perform minor  
22 repairs to equipment and buildings of a county school system;

23 ~~(44)~~ (49) "Glazier" means a person employed to replace glass  
24 or other materials in windows and doors and to do minor carpentry  
25 tasks;

26 ~~(45)~~ (50) "Graphic artist" means a person employed to prepare

1 graphic illustrations;

2 ~~(46)~~ (51) "Groundsman" means a person employed to perform  
3 duties that relate to the appearance, repair and general care of  
4 school grounds in a county school system. Additional assignments  
5 may include the operation of a small heating plant and routine  
6 cleaning duties in buildings;

7 ~~(47)~~ (52) "Handyman" means a person employed to perform  
8 routine manual tasks in any operation of the county school system;

9 ~~(48)~~ (53) "Heating and air conditioning mechanic I" means a  
10 person employed at the apprentice level to install, repair and  
11 maintain heating and air conditioning plants and related electrical  
12 equipment;

13 ~~(49)~~ (54) "Heating and air conditioning mechanic II" means a  
14 person employed at the journeyman level to install, repair and  
15 maintain heating and air conditioning plants and related  
16 electrical equipment;

17 ~~(50)~~ (55) "Heavy equipment operator" means a person employed  
18 to operate heavy equipment;

19 ~~(51)~~ (56) "Inventory supervisor" means a person employed to  
20 supervise or maintain operations in the receipt, storage,  
21 inventory and issuance of materials and supplies;

22 ~~(52)~~ (57) "Key punch operator" means a qualified person  
23 employed to operate key punch machines or verifying machines;

24 ~~(53)~~ (58) "Licensed practical nurse" means a nurse, licensed  
25 by the West Virginia Board of Examiners for Licensed Practical  
26 Nurses, employed to work in a public school under the supervision

1 of a school nurse;

2 ~~(54)~~ (59) "Locksmith" means a person employed to repair and  
3 maintain locks and safes;

4 ~~(55)~~ (60) "Lubrication man" means a person employed to  
5 lubricate and service gasoline or diesel-powered equipment of a  
6 county school system;

7 ~~(56)~~ (61) "Machinist" means a person employed to perform  
8 machinist tasks which include the ability to operate a lathe,  
9 planer, shaper, threading machine and wheel press. A person  
10 holding this class title also should have the ability to work from  
11 blueprints and drawings;

12 ~~(57)~~ (62) "Mail clerk" means a person employed to receive,  
13 sort, dispatch, deliver or otherwise handle letters, parcels and  
14 other mail;

15 ~~(58)~~ (63) "Maintenance clerk" means a person employed to  
16 maintain and control a stocking facility to keep adequate tools  
17 and supplies on hand for daily withdrawal for all school  
18 maintenance crafts;

19 ~~(59)~~ (64) "Mason" means a person employed to perform tasks  
20 connected with brick and block laying and carpentry tasks related  
21 to these activities;

22 ~~(60)~~ (65) "Mechanic" means a person employed to perform  
23 skilled duties independently in the maintenance and repair of  
24 automobiles, school buses and other mechanical and mobile  
25 equipment to use in a county school system;

26 ~~(61)~~ (66) "Mechanic assistant" means a person employed as a

1 mechanic apprentice and helper;

2       ~~(62)~~ (67) "Multiclassification" means a person employed to  
3 perform tasks that involve the combination of two or more class  
4 titles in this section. In these instances the minimum salary  
5 scale ~~shall be~~ is the higher pay grade of the class titles  
6 involved;

7       ~~(63)~~ (68) "Office equipment repairman I" means a person  
8 employed as an office equipment repairman apprentice or helper;

9       ~~(64)~~ (69) "Office equipment repairman II" means a person  
10 responsible for servicing and repairing all office machines and  
11 equipment. A person holding this class title is responsible for  
12 the purchase of parts necessary for the proper operation of a  
13 program of continuous maintenance and repair;

14       ~~(65)~~ (70) "Painter" means a person employed to perform duties  
15 painting, finishing and decorating wood, metal and concrete  
16 surfaces of buildings, other structures, equipment, machinery and  
17 furnishings of a county school system;

18       ~~(66)~~ (71) "Paraprofessional" means a person certified  
19 pursuant to section two-a, article three of this chapter to  
20 perform duties in a support capacity including, but not limited  
21 to, facilitating in the instruction and direct or indirect  
22 supervision of students under the direction of a principal, a  
23 teacher or another designated professional educator.

24       (A) A person employed on the effective date of this section  
25 in the position of an aide may not be subject to a reduction in  
26 force or transferred to create a vacancy for the employment of a

1 paraprofessional;

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

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

11 ~~(67)~~ (72) "Payroll supervisor" means a person employed in the  
12 county board office who has primary responsibility for the payroll  
13 function and who either has completed twelve college hours of  
14 accounting from an accredited institution of higher education or  
15 has at least eight years of experience performing progressively  
16 difficult accounting tasks. Responsibilities of this class title  
17 may include supervision of other personnel;

18 ~~(68)~~ (73) "Plumber I" means a person employed as an  
19 apprentice plumber and helper;

20 ~~(69)~~ (74) "Plumber II" means a person employed as a  
21 journeyman plumber;

22 ~~(70)~~ (75) "Printing operator" means a person employed to  
23 operate duplication equipment, and to cut, collate, staple, bind  
24 and shelve materials as required;

25 ~~(71)~~ (76) "Printing supervisor" means a person employed to  
26 supervise the operation of a print shop;

1       ~~(72)~~ (77) "Programmer" means a person employed to design and  
2 prepare programs for computer operation;

3       ~~(73)~~ (78) "Roofing/sheet metal mechanic" means a person  
4 employed to install, repair, fabricate and maintain roofs,  
5 gutters, flashing and duct work for heating and ventilation;

6       ~~(74)~~ (79) "Sanitation plant operator" means a person employed  
7 to operate and maintain a water or sewage treatment plant to  
8 ensure the safety of the plant's effluent for human consumption or  
9 environmental protection;

10       ~~(75)~~ (80) "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)~~ (81) "Secretary I" means a person employed to transcribe  
19 from notes or mechanical equipment, receive callers, perform  
20 clerical tasks, prepare reports and operate office machines;

21       ~~(77)~~ (82) "Secretary II" means a person employed in any  
22 elementary, secondary, kindergarten, nursery, special education,  
23 vocational, or any other school as a secretary. The duties may  
24 include performing general clerical tasks; transcribing from  
25 notes; stenotype, mechanical equipment or a sound-producing  
26 machine; preparing reports; receiving callers and referring them

1 to proper persons; operating office machines; keeping records and  
2 handling routine correspondence. Nothing in this subdivision  
3 prevents a service person from holding or being elevated to a  
4 higher classification;

5 ~~(78)~~ (83) "Secretary III" means a person assigned to the  
6 county board office administrators in charge of various  
7 instructional, maintenance, transportation, food services,  
8 operations and health departments, federal programs or departments  
9 with particular responsibilities in purchasing and financial  
10 control or any person who has served for eight years in a position  
11 which meets the definition of "secretary II" or "secretary III";

12 ~~(79)~~ (84) "Sign Support Specialist" means a person employed  
13 to provide sign supported speech assistance to students who are  
14 able to access environments through audition. A person who has  
15 held or holds an aide title and becomes employed as a sign support  
16 specialist shall hold a multi-classification status that includes  
17 both aide and sign support specialist titles, in accordance with  
18 section eight-b of this article.

19 ~~(79)~~ (85) "Supervisor of maintenance" means a skilled person  
20 who is not a professional person or professional educator as  
21 defined in section one, article one of this chapter. The  
22 responsibilities include directing the upkeep of buildings and  
23 shops, and issuing instructions to subordinates relating to  
24 cleaning, repairs and maintenance of all structures and mechanical  
25 and electrical equipment of a county board;

26 ~~(80)~~ (86) "Supervisor of transportation" means a qualified

1 person employed to direct school transportation activities  
2 properly and safely, and to supervise the maintenance and repair  
3 of vehicles, buses and other mechanical and mobile equipment used  
4 by the county school system. After July 1, 2010, all persons  
5 employed for the first time in a position with this classification  
6 title or in a multi-classification position that includes this  
7 title shall have five years of experience working in the  
8 transportation department of a county board. Experience working  
9 in the transportation department ~~shall consist~~ consists of serving  
10 as a bus operator, bus aide, assistant mechanic, mechanic, chief  
11 mechanic or in a clerical position within the transportation  
12 department;

13       ~~(81)~~ (87) "Switchboard operator-receptionist" means a person  
14 employed to refer incoming calls, to assume contact with the  
15 public, to direct and to give instructions as necessary, to  
16 operate switchboard equipment and to provide clerical assistance;

17       ~~(82)~~ (88) "Truck driver" means a person employed to operate  
18 light or heavy duty gasoline and diesel-powered vehicles;

19       ~~(83)~~ (89) "Warehouse clerk" means a person employed to be  
20 responsible for receiving, storing, packing and shipping goods;  
21 ~~and~~

22       ~~(84)~~ (90) "Watchman" means a person employed to protect  
23 school property against damage or theft. Additional assignments  
24 may include operation of a small heating plant and routine  
25 cleaning duties;

26       ~~(85)~~ (91) "Welder" means a person employed to provide



1 acetylene or electric welding services for a school system; and  
2 ~~(86)~~ (92) "WVEIS data entry and administrative clerk" means  
3 a person employed to work under the direction of a school  
4 principal to assist the school counselor or counselors in the  
5 performance of administrative duties, to perform data entry tasks  
6 on the West Virginia Education Information System, and to perform  
7 other administrative duties assigned by the principal.

8 ~~(87) "Early Childhood Classroom Assistant Teacher - Temporary~~  
9 ~~Authorization" means a person who does not possess minimum~~  
10 ~~requirements for the permanent authorization requirements, but is~~  
11 ~~enrolled in and pursuing requirements;~~

12 ~~—— (88) "Early Childhood Classroom Assistant Teacher - Permanent~~  
13 ~~Authorization" means a person who has completed the minimum~~  
14 ~~requirements for a state-awarded certificate for early childhood~~  
15 ~~classroom assistant teachers that meet or exceed the requirements~~  
16 ~~for a child development associate. Equivalency for the West~~  
17 ~~Virginia Department of Education will be determined as the child~~  
18 ~~development associate or the West Virginia Apprenticeship for~~  
19 ~~Child Development Specialists; and~~

20 ~~—— (89) "Early Childhood Classroom Assistant Teacher -~~  
21 ~~Paraprofessional Certificate" means a person who has completed~~  
22 ~~permanent authorization requirements, as well as additional~~  
23 ~~requirements comparable to current paraprofessional certificate~~

24 (j) Notwithstanding any provision in this code to the  
25 contrary, and in addition to the compensation provided for service  
26 personnel in section eight-a of this article, each service person

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

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

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

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

23 (1) Reclassified by class title; or

24 (2) Relegated to any condition of employment which would  
25 result in a reduction of his or her salary, rate of pay,  
26 compensation or benefits earned during the current fiscal year; or

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

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

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

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

21 (q) Without the written consent of the service person, a  
22 county board may not establish the beginning work station for a  
23 bus operator or transportation aide at any site other than a  
24 county board-owned facility with available parking. The workday  
25 of the bus operator or transportation aide commences at the bus at  
26 the designated beginning work station and ends when the employee

1 is able to leave the bus at the designated beginning work station,  
2 unless he or she agrees otherwise in writing. The application or  
3 acceptance of a posted position may not be construed as the  
4 written consent referred to in this subsection.

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

25 (s) Any service person holding a classification title on June  
26 30, 2013, that is removed from the classification schedule

1 pursuant to amendment and reenactment of this section in the year  
2 2013, has his or her employment contract revised as follows:

3 (1) Any service person holding the Braille or Sign Language  
4 Specialist classification title has that classification title  
5 renamed on his or her employment contract as either Braille  
6 Specialist or Sign Support Specialist. This action does not  
7 result in a loss or reduction of salary or supplement by any  
8 employee. Any seniority earned in the Braille or Sign Language  
9 Specialist classification prior to July 1, 2013, continues to be  
10 credited as seniority earned in the Braille Specialist or Sign  
11 Support Specialist classification;

12 (2) Any service person holding the Paraprofessional  
13 classification title and holding the Initial Paraprofessional  
14 Certificate - Educational Interpreter has the title Educational  
15 Sign Language Interpreter I added to his or her employment  
16 contract. This action does not result in a loss or reduction of  
17 salary or supplement by any employee. Any seniority earned in the  
18 Paraprofessional classification prior to July 1, 2013, continues  
19 to be credited as seniority earned in the Educational Sign  
20 Language Interpreter I classification; and

21 (3) Any service person holding the Paraprofessional  
22 classification title and holding the Permanent Paraprofessional  
23 Certificate - Educational Interpreter has the title Educational  
24 Sign Language Interpreter II added to his or her employment  
25 contract. This action does not result in a loss or reduction of  
26 salary or supplement by any employee. Any seniority earned in the

1 Paraprofessional classification prior to July 1, 2013, continues  
2 to be credited as seniority earned in the Educational Sign  
3 Language Interpreter II classification;

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

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

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

15 STATE MINIMUM PAY SCALE PAY GRADE

16 Years

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

1	12	2,012	2,033	2,074	2,126	2,178	2,240	2,271	2,343
2	13	2,044	2,065	2,106	2,158	2,210	2,272	2,303	2,375
3	14	2,076	2,097	2,138	2,190	2,242	2,304	2,335	2,407
4	15	2,108	2,129	2,170	2,222	2,274	2,336	2,367	2,439
5	16	2,140	2,161	2,202	2,254	2,306	2,368	2,399	2,472
6	17	2,172	2,193	2,235	2,286	2,338	2,400	2,431	2,504
7	18	2,204	2,225	2,267	2,318	2,370	2,432	2,463	2,536
8	19	2,237	2,257	2,299	2,350	2,402	2,464	2,495	2,568
9	20	2,269	2,289	2,331	2,383	2,434	2,496	2,527	2,601
10	21	2,301	2,321	2,363	2,415	2,466	2,528	2,559	2,634
11	22	2,333	2,354	2,395	2,447	2,498	2,561	2,593	2,666
12	23	2,365	2,386	2,427	2,479	2,531	2,594	2,625	2,699
13	24	2,397	2,418	2,459	2,511	2,563	2,627	2,658	2,732
14	25	2,429	2,450	2,491	2,543	2,596	2,659	2,691	2,764
15	26	2,461	2,482	2,523	2,576	2,629	2,692	2,723	2,797
16	27	2,493	2,514	2,555	2,608	2,661	2,724	2,756	2,829
17	28	2,525	2,546	2,588	2,641	2,694	2,757	2,789	2,863
18	29	2,557	2,579	2,621	2,673	2,726	2,790	2,821	2,896
19	30	2,591	2,611	2,654	2,706	2,759	2,822	2,854	2,928
20	31	2,623	2,644	2,687	2,739	2,792	2,855	2,887	2,961
21	32	2,656	2,676	2,719	2,772	2,824	2,888	2,919	2,994
22	33	2,689	2,709	2,752	2,805	2,857	2,920	2,953	3,026
23	34	2,721	2,743	2,785	2,838	2,890	2,954	2,986	3,059
24	35	2,754	2,775	2,817	2,870	2,923	2,987	3,018	3,092
25	36	2,787	2,808	2,850	2,903	2,956	3,019	3,051	3,124
26	37	2,819	2,841	2,883	2,936	2,989	3,052	3,083	3,157
27	38	2,852	2,873	2,915	2,968	3,021	3,084	3,116	3,190
28	39	2,885	2,906	2,948	3,001	3,054	3,117	3,149	3,222
29	40	2,917	2,939	2,980	3,033	3,087	3,150	3,181	3,256

30

31 (2) Each service employee shall receive the amount prescribed  
32 in the Minimum Pay Scale in accordance with the provisions of this  
33 subsection according to their class title and pay grade as set  
34 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 <del>or Sign Language</del> 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
25 Cook II.. . . .	B
26 Cook III. . . . .	C



1	Crew Leader.. . . . .	F
2	Custodian I.. . . . .	A
3	Custodian II.. . . . .	B
4	Custodian III.. . . . .	C
5	Custodian IV.. . . . .	D
6	Director or Coordinator of Services.. . . . .	H
7	Draftsman.. . . . .	D
8	<u>Early Childhood Classroom Assistant Teacher - Temporary</u>	
9	<u>Authorization.. . . . .</u>	<u>E</u>
10	<u>Early Childhood Classroom Assistant Teacher - Permanent</u>	
11	<u>Authorization.. . . . .</u>	<u>E</u>
12	<u>Early Childhood Classroom Assistant Teacher - Paraprofessional</u>	
13	<u>Certificate . . . . .</u>	<u>F</u>
14	<u>Educational Sign Language Interpreter I .....</u>	<u>F</u>
15	<u>Educational Sign Language Interpreter II .....</u>	<u>G</u>
16	Electrician I.. . . . .	F
17	Electrician II.. . . . .	G
18	Electronic Technician I.. . . . .	F
19	Electronic Technician II.. . . . .	G
20	Executive Secretary.. . . . .	G
21	Food Services Supervisor.. . . . .	G
22	Foreman.. . . . .	G
23	General Maintenance.. . . . .	C
24	Glazier.. . . . .	D
25	Graphic Artist.. . . . .	D
26	Groundsman.. . . . .	B

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

1	Sanitation Plant Operator.. . . . .	G
2	School Bus Supervisor.. . . . .	E
3	Secretary I.. . . . .	D
4	Secretary II.. . . . .	E
5	Secretary III.. . . . .	F
6	<u>Sign Support Specialist .....</u>	<u>E</u>
7	Supervisor of Maintenance.. . . . .	H
8	Supervisor of Transportation. . . . .	H
9	Switchboard Operator-Receptionist.. . . . .	D
10	Truck Driver. . . . .	D
11	Warehouse Clerk.. . . . .	C
12	Watchman. . . . .	B
13	Welder. . . . .	F
14	WVEIS Data Entry and Administrative Clerk.. . . . .	B

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

18           (c) An additional \$11 per month also ~~shall be~~ is added to the  
19 minimum monthly pay of each service ~~employee~~ person for each of the  
20 following:

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

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

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

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

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

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

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

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

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

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

25 (d) An additional \$40 per month also ~~shall be~~ is added to the  
26 minimum monthly pay of each service ~~employee~~ person for each of the

1 following:

2 (1) A service ~~employee~~ person who holds an associate's degree;

3 (2) A service ~~employee~~ person who holds a bachelor's degree;

4 (3) A service ~~employee~~ person who holds a master's degree;

5 (4) A service ~~employee~~ person who holds a doctorate degree.

6 (e) An additional \$11 per month ~~shall be~~ is added to the  
7 minimum monthly pay of each service ~~employee~~ person for each of the

8 following:

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

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

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

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

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

19 (f) To meet the objective of salary equity among the counties,  
20 each service ~~employee~~ person ~~shall be~~ is paid an equity supplement,  
21 as set forth in section five of this article, of \$152 per month,  
22 subject to the provisions of that section. These payments: (i)  
23 ~~Shall be~~ Are in addition to any amounts prescribed in the  
24 applicable State Minimum Pay Scale Pay Grade, any specific  
25 additional amounts prescribed in this section and article and any  
26 county supplement in effect in a county pursuant to section five-b

1 of this article; (ii) ~~shall be~~ is paid in equal monthly  
2 installments; and (iii) ~~shall be~~ is considered a part of the state  
3 minimum salaries for service personnel.

4 (g) When any part of a school service ~~employee's~~ person's  
5 daily shift of work is performed between the hours of six o'clock  
6 p. m. and five o'clock a. m. the following day, the employee ~~shall~~  
7 be is paid no less than an additional \$10 per month and one half of  
8 the pay ~~shall be~~ is paid with local funds.

9 (h) Any service ~~employee~~ person required to work on any legal  
10 school holiday ~~shall be~~ is paid at a rate one and one-half times  
11 the ~~employee's~~ person's usual hourly rate.

12 (i) Any full-time service personnel required to work in excess  
13 of their normal working day during any week which contains a school  
14 holiday for which they are paid ~~shall be~~ is paid for the additional  
15 hours or fraction of the additional hours at a rate of one and  
16 one-half times their usual hourly rate and paid entirely from  
17 county board funds.

18 (j) ~~No service employee may~~ A service person may not have his  
19 or her daily work schedule changed during the school year without  
20 the employee's written consent and the ~~employee's~~ person's required  
21 daily work hours may not be changed to prevent the payment of time  
22 and one-half wages or the employment of another employee.

23 (k) The minimum hourly rate of pay for extra duty assignments  
24 as defined in section eight-b of this article ~~shall be~~ is no less  
25 than one seventh of the ~~employee's~~ person's daily total salary for  
26 each hour the ~~employee~~ person is involved in performing the

1 assignment and paid entirely from local funds: *Provided*, That an  
2 alternative minimum hourly rate of pay for performing extra duty  
3 assignments within a particular category of employment may be used  
4 if the alternate hourly rate of pay is approved both by the county  
5 board and by the affirmative vote of a two-thirds majority of the  
6 regular full-time ~~employees~~ persons within that classification  
7 category of employment within that county: *Provided, however*, That  
8 the vote ~~shall be~~ is by secret ballot if requested by a service  
9 person within that classification category within that county. The  
10 salary for any fraction of an hour the employee is involved in  
11 performing the assignment ~~shall be~~ is prorated accordingly. When  
12 performing extra duty assignments, ~~employees~~ persons who are  
13 regularly employed on a one-half day salary basis shall receive the  
14 same hourly extra duty assignment pay computed as though the  
15 ~~employee~~ person were employed on a full-day salary basis.

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

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

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