

1 **H. B. 2470**

2  
3 (By Delegate M. Poling)

4 [Introduced February 14, 2013; referred to the  
5 Committee on Education then Finance.]

6 **FISCAL  
NOTE**

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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 sign support specialist or an educational sign  
14 language interpreter in the education of exceptional children,  
15 their certification and classification; school service  
16 personnel; service personnel classification, compensation and  
17 duties; specifying employment duties for certain positions;  
18 modifying certain service personnel classification titles;  
19 establishing certain service personnel classification titles  
20 and setting their wages; and establishing conditions for  
21 employer payment of and continuing education credit accrual  
22 for certain certification acquisition.

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

24 That §18-20-2 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; that §18A-2-4 of said code be amended and  
2 reenacted; and that §18A-4-8 and §18A-4-8a of said code be amended  
3 and reenacted, all to read as follows:

4 **CHAPTER 18. EDUCATION.**

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

6 **§18-20-2. Providing suitable educational facilities, equipment and**  
7 **services.**

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

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

23 (c) The county board shall provide a four-clock-hour program

1 of training for any teacher aide employed to assist teachers in  
2 providing services to exceptional children under this article prior  
3 to the assignment. The program shall consist of training in areas  
4 specifically related to the education of exceptional children,  
5 pursuant to rules of the state board. The training shall occur  
6 during normal working hours and an opportunity to be trained shall  
7 be provided to a service person prior to filling a vacancy in  
8 accordance with the provisions of section eight-b, article four,  
9 chapter eighteen-a of this code.

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

14 (1) Providing services to children who have displayed violent  
15 behavior or have demonstrated the potential for violent behavior;  
16 and

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

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

24 (B) Reimburse any regularly employed or substitute teacher's

1 aide who elects to attend this training for one half of the cost of  
2 the tuition.

3 (e) For any student whose individualized education plan (IEP)  
4 requires the services of a sign support specialist or an  
5 educational sign language interpreter I or II:

6 (1) Any educational sign language interpreter I or II assigned  
7 to assist that student is a related service provider member of the  
8 education team who participates in IEP meetings and works with the  
9 team to implement the IEP;

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

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

1 certification renewal provisions of section four, article two,  
2 chapter eighteen-a of this code.

3 **CHAPTER 18A. SCHOOL PERSONNEL.**

4 **ARTICLE 2. SCHOOL PERSONNEL.**

5 **§18A-2-4. Commercial driver's license for school personnel;**  
6 **intrastate waiver for bus operators diagnosed with**  
7 **diabetes mellitus requiring insulin; reimbursement**  
8 **of electrician's and commercial driver's license**  
9 **and sign language interpreter certification when**  
10 **required.**

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

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

19 (b) The Division of Motor Vehicles shall accept the West  
20 Virginia Department of Education physical and psychomotor test  
21 result forms in lieu of the Division of Motor Vehicles vision  
22 report form.

23 (c) A school bus operator who is currently employed by a  
24 county board ~~of education~~ or who is otherwise subject to state

1 board rules governing school bus operators and who is diagnosed  
2 with diabetes mellitus requiring insulin is not ineligible for  
3 employment as a school bus operator because of the diagnosis if the  
4 operator is issued a passenger endorsement for his or her  
5 commercial driver license through the intrastate waiver program  
6 pertaining to diabetes of the West Virginia Division of Motor  
7 Vehicles, subject to the following:

8 (1) A copy of the information required to be submitted to the  
9 Division of Motor Vehicles for waiver application and proof of  
10 passenger endorsement under the waiver program is submitted to his  
11 or her employer; and

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

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

20 (e) The cost of certification renewal is paid in full by the  
21 employer for any service person who is:

22 (1) Employed as an educational sign language interpreter I or  
23 II and is required to complete any testing, training or continuing  
24 education in order to renew or maintain certification at that

1 level;

2 (2) Employed as an educational sign language interpreter I and  
3 is required to complete any testing, training or continuing  
4 education to advance to an educational sign language interpreter  
5 II; or

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

9 (f) For any service person required to hold certification as  
10 a condition of employment, any time devoted to acquiring or  
11 maintaining the certification, including instructional time,  
12 training and testing, constitutes hours of continuing education for  
13 purposes of meeting the annual continuing education requirements in  
14 state board policy.

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

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

23 **§18A-4-8. Employment term and class titles of service personnel;**  
24 **definitions.**

1           (a) The purpose of this section is to establish an employment  
2 term and class titles for service personnel. The employment term  
3 for service personnel may not be less than ten months. A month is  
4 defined as twenty employment days. The county board may contract  
5 with all or part of these service personnel for a longer term. The  
6 beginning and closing dates of the ten-month employment term may  
7 not exceed forty-three weeks.

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

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

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

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



1 any Saturday or Sunday, he or she ~~shall be~~ is paid for at least a  
2 full day of work for each day.

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

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

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

15 (3) The additional compensation provided for in this  
16 subsection:

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

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

21 (g) When there is a change in classification or when a service  
22 person meets the requirements of an advanced classification, his or  
23 her salary shall be made to comply with the requirements of this  
24 article and any county salary schedule in excess of the minimum

1 requirements of this article, based upon the service person's  
2 advanced classification and allowable years of employment.

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

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

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

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

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

24 (4) "Accountant I" means a person employed to maintain payroll

1 records and reports and perform one or more operations relating to  
2 a phase of the total payroll;

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

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

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

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

21 (9) "Aide II" means a service person referred to in the "Aide  
22 I" classification who has completed a training program approved by  
23 the state board, or who holds a high school diploma or has received  
24 a general educational development certificate. Only a person

1 classified in an Aide II class title may be employed as an aide in  
2 any special education program

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

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

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

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

13 (A) Has completed eighteen hours of State Board-approved  
14 college credit at a regionally accredited institution of higher  
15 education, or

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

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

24 (13) "Auditor" means a person employed to examine and verify

1 accounts of individual schools and to assist schools and school  
2 personnel in maintaining complete and accurate records of their  
3 accounts;

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

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

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

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

24 (18) "Cabinetmaker" means a person employed to construct

1 cabinets, tables, bookcases and other furniture;

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

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

10       (21) "Carpenter II" means a person classified as a journeyman  
11 carpenter;

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

16       (23) "Clerk I" means a person employed to perform clerical  
17 tasks,

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

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

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

24       (27) "Cook II" means a person employed to interpret menus and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (36) "Educational Sign Language Interpreter I" means a person  
22 employed to provide communication access across all educational  
23 environments to students who are deaf or hard of hearing, and who  
24 holds the Initial Paraprofessional Certificate - Educational



1 Interpreter pursuant to state board policy.

2       ~~(37)~~ (38) "Educational Sign Language Interpreter II" means a person  
3 employed to provide communication access across all educational  
4 environments to students who are deaf or hard of hearing, and who  
5 holds the Permanent Paraprofessional Certificate - Educational  
6 Interpreter pursuant to state board policy.

7       ~~(36)~~ (38) "Electrician I" means a person employed as an  
8 apprentice electrician helper or one who holds an electrician  
9 helper license issued by the State Fire Marshal;

10       ~~(37)~~ (39) "Electrician II" means a person employed as an  
11 electrician journeyman or one who holds a journeyman electrician  
12 license issued by the State Fire Marshal;

13       ~~(38)~~ (40) "Electronic technician I" means a person employed at  
14 the apprentice level to repair and maintain electronic equipment;

15       ~~(39)~~ (41) "Electronic technician II" means a person employed  
16 at the journeyman level to repair and maintain electronic  
17 equipment;

18       ~~(40)~~ (42) "Executive secretary" means a person employed as  
19 secretary to the county school superintendent or as a secretary who  
20 is assigned to a position characterized by significant  
21 administrative duties;

22       ~~(41)~~ (43) "Food services supervisor" means a qualified person  
23 who is not a professional person or professional educator as  
24 defined in section one, article one of this chapter. The food

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

6 ~~(42)~~ (44) "Foreman" means a skilled person employed to  
7 supervise personnel who work in the areas of repair and maintenance  
8 of school property and equipment;

9 ~~(43)~~ (45) "General maintenance" means a person employed as a  
10 helper to skilled maintenance employees, and to perform minor  
11 repairs to equipment and buildings of a county school system;

12 ~~(44)~~ (46) "Glazier" means a person employed to replace glass  
13 or other materials in windows and doors and to do minor carpentry  
14 tasks;

15 ~~(45)~~ (47) "Graphic artist" means a person employed to prepare  
16 graphic illustrations;

17 ~~(46)~~ (48) "Groundsman" means a person employed to perform  
18 duties that relate to the appearance, repair and general care of  
19 school grounds in a county school system. Additional assignments  
20 may include the operation of a small heating plant and routine  
21 cleaning duties in buildings;

22 ~~(47)~~ (49) "Handyman" means a person employed to perform  
23 routine manual tasks in any operation of the county school system;

24 ~~(48)~~ (50) "Heating and air conditioning mechanic I" means a

1 person employed at the apprentice level to install, repair and  
2 maintain heating and air conditioning plants and related electrical  
3 equipment;

4 ~~(49)~~ (51) "Heating and air conditioning mechanic II" means a  
5 person employed at the journeyman level to install, repair and  
6 maintain heating and air conditioning plants and related  
7 electrical equipment;

8 ~~(50)~~ (52) "Heavy equipment operator" means a person employed  
9 to operate heavy equipment;

10 ~~(51)~~ (53) "Inventory supervisor" means a person employed to  
11 supervise or maintain operations in the receipt, storage,  
12 inventory and issuance of materials and supplies;

13 ~~(52)~~ (54) "Key punch operator" means a qualified person  
14 employed to operate key punch machines or verifying machines;

15 ~~(53)~~ (55) "Licensed practical nurse" means a nurse, licensed  
16 by the West Virginia Board of Examiners for Licensed Practical  
17 Nurses, employed to work in a public school under the supervision  
18 of a school nurse;

19 ~~(54)~~ (56) "Locksmith" means a person employed to repair and  
20 maintain locks and safes;

21 ~~(55)~~ (57) "Lubrication man" means a person employed to  
22 lubricate and service gasoline or diesel-powered equipment of a  
23 county school system;

24 ~~(56)~~ (58) "Machinist" means a person employed to perform

1 machinist tasks which include the ability to operate a lathe,  
2 planer, shaper, threading machine and wheel press. A person  
3 holding this class title also should have the ability to work from  
4 blueprints and drawings;

5 ~~(57)~~ (59) "Mail clerk" means a person employed to receive,  
6 sort, dispatch, deliver or otherwise handle letters, parcels and  
7 other mail;

8 ~~(58)~~ (60) "Maintenance clerk" means a person employed to  
9 maintain and control a stocking facility to keep adequate tools  
10 and supplies on hand for daily withdrawal for all school  
11 maintenance crafts;

12 ~~(59)~~ (61) "Mason" means a person employed to perform tasks  
13 connected with brick and block laying and carpentry tasks related  
14 to these activities;

15 ~~(60)~~ (62) "Mechanic" means a person employed to perform  
16 skilled duties independently in the maintenance and repair of  
17 automobiles, school buses and other mechanical and mobile  
18 equipment to use in a county school system;

19 ~~(61)~~ (63) "Mechanic assistant" means a person employed as a  
20 mechanic apprentice and helper;

21 ~~(62)~~ (64) "Multiclassification" means a person employed to  
22 perform tasks that involve the combination of two or more class  
23 titles in this section. In these instances the minimum salary  
24 scale ~~shall be~~ is the higher pay grade of the class titles

1 involved;

2       ~~(63)~~ (65) "Office equipment repairman I" means a person  
3 employed as an office equipment repairman apprentice or helper;

4       ~~(64)~~ (66) "Office equipment repairman II" means a person  
5 responsible for servicing and repairing all office machines and  
6 equipment. A person holding this class title is responsible for  
7 the purchase of parts necessary for the proper operation of a  
8 program of continuous maintenance and repair;

9       ~~(65)~~ (67) "Painter" means a person employed to perform duties  
10 painting, finishing and decorating wood, metal and concrete  
11 surfaces of buildings, other structures, equipment, machinery and  
12 furnishings of a county school system;

13       ~~(66)~~ (68) "Paraprofessional" means a person certified  
14 pursuant to section two-a, article three of this chapter to  
15 perform duties in a support capacity including, but not limited  
16 to, facilitating in the instruction and direct or indirect  
17 supervision of students under the direction of a principal, a  
18 teacher or another designated professional educator.

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

23       (B) A person who has held or holds an aide title and becomes  
24 employed as a paraprofessional shall hold a multiclassification

1 status that includes both aide and paraprofessional titles in  
2 accordance with section eight-b of this article; and

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

8 ~~(67)~~ (69) "Payroll supervisor" means a person employed in the  
9 county board office who has primary responsibility for the payroll  
10 function and who either has completed twelve college hours of  
11 accounting from an accredited institution of higher education or  
12 has at least eight years of experience performing progressively  
13 difficult accounting tasks. Responsibilities of this class title  
14 may include supervision of other personnel;

15 ~~(68)~~ (70) "Plumber I" means a person employed as an  
16 apprentice plumber and helper;

17 ~~(69)~~ (71) "Plumber II" means a person employed as a  
18 journeyman plumber;

19 ~~(70)~~ (72) "Printing operator" means a person employed to  
20 operate duplication equipment, and to cut, collate, staple, bind  
21 and shelve materials as required;

22 ~~(71)~~ (73) "Printing supervisor" means a person employed to  
23 supervise the operation of a print shop;

24 ~~(72)~~ (74) "Programmer" means a person employed to design and

1 prepare programs for computer operation;

2 ~~(73)~~ (75) "Roofing/sheet metal mechanic" means a person  
3 employed to install, repair, fabricate and maintain roofs,  
4 gutters, flashing and duct work for heating and ventilation;

5 ~~(74)~~ (76) "Sanitation plant operator" means a person employed  
6 to operate and maintain a water or sewage treatment plant to  
7 ensure the safety of the plant's effluent for human consumption or  
8 environmental protection;

9 ~~(75)~~ (77) "School bus supervisor" means a qualified person:

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

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

17 ~~(76)~~ (78) "Secretary I" means a person employed to transcribe  
18 from notes or mechanical equipment, receive callers, perform  
19 clerical tasks, prepare reports and operate office machines;

20 ~~(77)~~ (79) "Secretary II" means a person employed in any  
21 elementary, secondary, kindergarten, nursery, special education,  
22 vocational, or any other school as a secretary. The duties may  
23 include performing general clerical tasks; transcribing from  
24 notes; stenotype, mechanical equipment or a sound-producing

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

6 ~~(78)~~ (80) "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 ~~(79)~~ (81) "Sign Support Specialist" means a person employed  
14 to provide sign supported speech assistance to students who are  
15 able to access environments through audition. A person who has  
16 held or holds an aide title and becomes employed as a sign support  
17 specialist shall hold a multi-classification status that includes  
18 both aide and sign support specialist titles, in accordance with  
19 section eight-b of this article.

20 ~~(79)~~ (82) "Supervisor of maintenance" means a skilled person  
21 who is not a professional person or professional educator as  
22 defined in section one, article one of this chapter. The  
23 responsibilities include directing the upkeep of buildings and  
24 shops, and issuing instructions to subordinates relating to



1 cleaning, repairs and maintenance of all structures and mechanical  
2 and electrical equipment of a county board;

3 ~~(80)~~ (83) "Supervisor of transportation" means a qualified  
4 person employed to direct school transportation activities  
5 properly and safely, and to supervise the maintenance and repair  
6 of vehicles, buses and other mechanical and mobile equipment used  
7 by the county school system. After July 1, 2010, all persons  
8 employed for the first time in a position with this classification  
9 title or in a multi-classification position that includes this  
10 title shall have five years of experience working in the  
11 transportation department of a county board. Experience working  
12 in the transportation department ~~shall consist~~ consists of serving  
13 as a bus operator, bus aide, assistant mechanic, mechanic, chief  
14 mechanic or in a clerical position within the transportation  
15 department;

16 ~~(81)~~ (84) "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  
19 operate switchboard equipment and to provide clerical assistance;

20 ~~(82)~~ (85) "Truck driver" means a person employed to operate  
21 light or heavy duty gasoline and diesel-powered vehicles;

22 ~~(83)~~ (86) "Warehouse clerk" means a person employed to be  
23 responsible for receiving, storing, packing and shipping goods;

24 and

1       ~~(84)~~ (87) "Watchman" means a person employed to protect  
2 school property against damage or theft. Additional assignments  
3 may include operation of a small heating plant and routine  
4 cleaning duties;

5       ~~(85)~~ (88) "Welder" means a person employed to provide  
6 acetylene or electric welding services for a school system; and

7       ~~(86)~~ (89) "WVEIS data entry and administrative clerk" means  
8 a person employed to work under the direction of a school  
9 principal to assist the school counselor or counselors in the  
10 performance of administrative duties, to perform data entry tasks  
11 on the West Virginia Education Information System, and to perform  
12 other administrative duties assigned by the principal.

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

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

1 employed.

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

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

14 (1) Reclassified by class title; or

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

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

1 established by the court.

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

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

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

24 (r) Itinerant status means a service person who does not have

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

20 (s) Any service person holding a classification title on June  
21 30, 2013, that is removed from the classification schedule  
22 pursuant to amendment and reenactment of this section in the year  
23 2013, has his or her employment contract revised as follows:

24 (1) Any service person holding the Braille or Sign Language

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

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

18 (3) Any service person holding the Paraprofessional  
19 classification title and holding the Permanent Paraprofessional  
20 Certificate - Educational Interpreter has the title Educational  
21 Interpreter II added to his or her employment contract. This  
22 action does not result in a loss or reduction of salary or  
23 supplement by any employee. Any seniority earned in the  
24 Paraprofessional classification prior to July 1, 2013, continues

1 to be credited as seniority earned in the Educational Interpreter  
 2 II classification;

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

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

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

14 STATE MINIMUM PAY SCALE PAY GRADE

15 Years

16 Exp.	17 Pay Grade								
	<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	

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



1 subsection according to their class title and pay grade as set  
 2 forth in this subdivision:

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

1	Computer Operator.. . . . .	E
2	Cook I. . . . .	A
3	Cook II.. . . . .	B
4	Cook III. . . . .	C
5	Crew Leader.. . . . .	F
6	Custodian I.. . . . .	A
7	Custodian II. . . . .	B
8	Custodian III.. . . . .	C
9	Custodian IV. . . . .	D
10	Director or Coordinator of Services.. . . . .	H
11	Draftsman.. . . . .	D
12	<u>Educational Sign Language Interpreter I .....</u>	<u>F</u>
13	<u>Educational Sign Language Interpreter II .....</u>	<u>G</u>
14	Electrician I.. . . . .	F
15	Electrician II. . . . .	G
16	Electronic Technician I.. . . . .	F
17	Electronic Technician II. . . . .	G
18	Executive Secretary.. . . . .	G
19	Food Services Supervisor. . . . .	G
20	Foreman.. . . . .	G
21	General Maintenance.. . . . .	C
22	Glazier.. . . . .	D
23	Graphic Artist. . . . .	D
24	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

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

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

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

23 (1) A service ~~employee~~ person who holds twelve college hours  
24 or comparable credit obtained in a trade or vocational school as

1 approved by the state board;

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

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

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

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

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

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

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

23 (9) A service ~~employee~~ person who holds one hundred eight  
24 college hours or comparable credit obtained in a trade or

1 vocational school as approved by the state board;

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

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

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

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

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

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

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

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

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

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

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

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

1       (f) An Educational Sign Language Interpreter II who holds  
 2 certification through the Educational Interpreters Performance  
 3 Assessment (EIPA), the National Interpreter Certification (NIC), or  
 4 both, receives an additional amount per month added to his or her  
 5 minimum monthly pay as follows:

6       (1) For EIPA certification with a score of 3.5 to 3.9 and NIC  
 7 certification, \$25;

8       (2) For EIPA certification with a score of 4.0 to 4.4, \$35;

9       (3) For EIPA certification with a score of 4.0 to 4.4 and NIC  
 10 certification, \$55;

11       (4) For EIPA certification with a score of 4.5 to 5.0, \$85;

12 and

13       (5) For EIPA certification with a score of 4.5 to 5.0 and NIC  
 14 certification, \$125.

15       (6) The state Board may designate by board policy  
 16 certifications not included in this subsection which are equivalent  
 17 to those listed and qualify for the additional pay provided.

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

1 county supplement in effect in a county pursuant to section five-b  
2 of this article; (ii) ~~shall be~~ is paid in equal monthly  
3 installments; and (iii) ~~shall be~~ is considered a part of the state  
4 minimum salaries for service personnel.

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

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

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

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

24 ~~(k)~~ (l) The minimum hourly rate of pay for extra duty



1 assignments as defined in section eight-b of this article ~~shall be~~  
2 is no less than one seventh of the ~~employee's~~ person's daily total  
3 salary for each hour the ~~employee~~ person is involved in performing  
4 the assignment and paid entirely from local funds: *Provided, That*  
5 an alternative minimum hourly rate of pay for performing extra duty  
6 assignments within a particular category of employment may be used  
7 if the alternate hourly rate of pay is approved both by the county  
8 board and by the affirmative vote of a two-thirds majority of the  
9 regular full-time ~~employees~~ persons within that classification  
10 category of employment within that county: *Provided, however, That*  
11 the vote ~~shall be~~ is by secret ballot if requested by a service  
12 person within that classification category within that county. The  
13 salary for any fraction of an hour the employee is involved in  
14 performing the assignment ~~shall be~~ is prorated accordingly. When  
15 performing extra duty assignments, ~~employees~~ persons who are  
16 regularly employed on a one-half day salary basis shall receive the  
17 same hourly extra duty assignment pay computed as though the  
18 ~~employee~~ person were employed on a full-day salary basis.

19        ~~(l)~~ (m) The minimum pay for any service personnel ~~employees~~  
20 engaged in the removal of asbestos material or related duties  
21 required for asbestos removal ~~shall be~~ is their regular total daily  
22 rate of pay and no less than an additional \$3 per hour or no less  
23 than \$5 per hour for service personnel supervising asbestos removal  
24 responsibilities for each hour these employees are involved in

1 asbestos-related duties. Related duties required for asbestos  
2 removal include, but are not limited to, travel, preparation of the  
3 work site, removal of asbestos decontamination of the work site,  
4 placing and removal of equipment and removal of structures from the  
5 site. If any member of an asbestos crew is engaged in asbestos  
6 related duties outside of the employee's regular employment county,  
7 the daily rate of pay ~~shall be~~ is no less than the minimum amount  
8 as established in the employee's regular employment county for  
9 asbestos removal and an additional \$30 per each day the employee is  
10 engaged in asbestos removal and related duties. The additional pay  
11 for asbestos removal and related duties shall be payable entirely  
12 from county funds. Before service personnel ~~employees~~ may be used  
13 in the removal of asbestos material or related duties, they shall  
14 have completed a federal Environmental Protection Act approved  
15 training program and be licensed. The employer shall provide all  
16 necessary protective equipment and maintain all records required by  
17 the Environmental Protection Act.

18 ~~(m)~~ (n) For the purpose of qualifying for additional pay as  
19 provided in section eight, article five of this chapter, an aide  
20 ~~shall be~~ is considered to be exercising the authority of a  
21 supervisory aide and control over pupils if the aide is required to  
22 supervise, control, direct, monitor, escort or render service to a  
23 child or children when not under the direct supervision of a  
24 certified professional person within the classroom, library,

1 hallway, lunchroom, gymnasium, school building, school grounds or  
2 wherever supervision is required. For purposes of this section,  
3 "under the direct supervision of a certified professional person"  
4 means that certified professional person is present, with and  
5 accompanying the aide.

NOTE: The purpose of this bill is to provide a sign support specialist or an educational sign language interpreter in the education of exceptional children. It also deals with school service personnel, service personnel classification, compensation and duties. The bill specifies employment duties for certain positions, modifies certain service personnel classification titles, establishes certain service personnel classification titles and sets their wages. The bill also establishes conditions for employer payment of and continuing education credit accrual for certain certification acquisition.

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