

E N G R O S S E D

COMMITTEE SUBSTITUTE

for

H. B. 2702

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HAMRICK, CAMPBELL, STATLER, ROWAN AND ESPINOSA)

[Originating in the Committee on Education.]
(February 16, 2015)

A BILL to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a and §18A-4-8b of said code, all relating to redefining service personnel class titles of early childhood classroom assistant teacher; protecting certain aides from reduction in force or transfer to create vacancy for less senior early childhood classroom assistant teacher; requiring aide who becomes employed as early childhood classroom assistant teacher to hold certain

multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18. Kindergarten programs.

1 (a) County boards shall provide kindergarten programs for
2 all children who have attained the age of five prior to September
3 1, of the school year in which the pupil enters the kindergarten
4 program and may, pursuant to the provisions of section forty-
5 four, article five, chapter eighteen of this code, establish
6 kindergarten programs designed for children below the age of
7 five. The programs for children who shall have attained the age
8 of five shall be full-day everyday programs.

9 (b) Persons employed as kindergarten teachers, as
10 distinguished from paraprofessional personnel, shall be required

11 to hold a certificate valid for teaching at the assigned level as
12 prescribed by rules established by the state board. The state
13 board shall establish the minimum requirements for all
14 paraprofessional personnel employed in kindergarten programs
15 established pursuant to the provisions of this section and no such
16 paraprofessional personnel may be employed in any kindergarten
17 program unless he or she meets the minimum requirements.
18 Beginning July 1, 2014, any person previously employed as an
19 aide in a kindergarten program and who is employed in the same
20 capacity on and after that date and any new person employed in
21 that capacity in a kindergarten program on and after that date
22 shall hold the position of aide and either Early Childhood
23 Classroom Assistant Teacher ~~Temporary Authorization I~~, Early
24 Childhood Classroom Assistant Teacher ~~Permanent~~
25 ~~Authorization II~~ or Early Childhood Classroom Assistant
26 Teacher ~~Paraprofessional Certificate III~~. Any person employed
27 as an aide in a kindergarten program that is eligible for full
28 retirement benefits before July 1, 2020, may remain employed
29 as an aide in that position and shall be granted an Early
30 Childhood Classroom Assistant Teacher permanent authorization

31 by the state superintendent pursuant to section two-a, article
32 three, chapter eighteen-a of this code. ~~may not be required to~~
33 ~~acquire licensure pursuant to this section.~~

34 (c) The state board with the advice of the state
35 superintendent shall establish and prescribe guidelines and
36 criteria relating to the establishment, operation and successful
37 completion of kindergarten programs in accordance with the
38 other provisions of this section. Guidelines and criteria so
39 established and prescribed also are intended to serve for the
40 establishment and operation of nonpublic kindergarten programs
41 and shall be used for the evaluation and approval of those
42 programs by the state superintendent, provided application for
43 the evaluation and approval is made in writing by proper
44 authorities in control of the programs. The state superintendent,
45 annually, shall publish a list of nonpublic kindergarten programs,
46 including Montessori kindergartens that have been approved in
47 accordance with the provisions of this section. Montessori
48 kindergartens established and operated in accordance with usual
49 and customary practices for the use of the Montessori method
50 which have teachers who have training or experience, regardless

51 of additional certification, in the use of the Montessori method
52 of instruction for kindergartens shall be considered to be
53 approved.

54 (d) Pursuant to the guidelines and criteria, and only pursuant
55 to the guidelines and criteria, the county boards may establish
56 programs taking kindergarten to the homes of the children
57 involved, using educational television, paraprofessional
58 personnel in addition to and to supplement regularly certified
59 teachers, mobile or permanent classrooms and other means
60 developed to best carry kindergarten to the child in its home and
61 enlist the aid and involvement of its parent or parents in
62 presenting the program to the child; or may develop programs of
63 a more formal kindergarten type, in existing school buildings, or
64 both, as the county board may determine, taking into
65 consideration the cost, the terrain, the existing available
66 facilities, the distances each child may be required to travel, the
67 time each child may be required to be away from home, the
68 child's health, the involvement of parents and other factors as
69 each county board may find pertinent. The determinations by any
70 county board are final and conclusive.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Employment term and class titles of service personnel; 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
4 is defined as twenty employment days. The county board may
5 contract with all or part of these service personnel for a longer
6 term.

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

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

18 no part of any working day may be accumulated by the employer
19 for 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
22 assignments on a Saturday or Sunday, the service person is paid
23 for at least one-half day of work for each day he or she reports
24 for work. If the service person works more than three and one-
25 half hours on any Saturday or Sunday, he or she is paid for at
26 least a full day of work for each day.

27 (f) A custodian, aide, maintenance, office and school lunch
28 service person required to work a daily work schedule that is
29 interrupted is paid additional compensation in accordance with
30 this subsection.

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

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

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

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

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

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

44 (g) When there is a change in classification or when a
45 service person meets the requirements of an advanced
46 classification, his or her salary shall be made to comply with the
47 requirements of this article and any county salary schedule in
48 excess of the minimum requirements of this article, based upon
49 the service person's advanced classification and allowable years
50 of employment.

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

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

59 (1) “Pay grade” means the monthly salary applicable to class
60 titles of service personnel;

61 (2) “Years of employment” means the number of years
62 which an employee classified as a service person has been
63 employed by a county board in any position prior to or
64 subsequent to the effective date of this section and includes
65 service in the Armed Forces of the United States, if the
66 employee was employed at the time of his or her induction. For
67 the purpose of section eight-a of this article, years of
68 employment is limited to the number of years shown and
69 allowed under the state minimum pay scale as set forth in section
70 eight-a of this article;

71 (3) “Class title” means the name of the position or job held
72 by a service person;

73 (4) “Accountant I” means a person employed to maintain
74 payroll records and reports and perform one or more operations
75 relating to a phase of the total payroll;

76 (5) “Accountant II” means a person employed to maintain
77 accounting records and to be responsible for the accounting
78 process associated with billing, budgets, purchasing and related
79 operations;

80 (6) “Accountant III” means a person employed in the county
81 board office to manage and supervise accounts payable, payroll
82 procedures, or both;

83 (7) “Accounts payable supervisor” means a person employed
84 in the county board office who has primary responsibility for the
85 accounts payable function and who either has completed twelve
86 college hours of accounting courses from an accredited
87 institution of higher education or has at least eight years of
88 experience performing progressively difficult accounting tasks.
89 Responsibilities of this class title may include supervision of
90 other personnel;

91 (8) “Aide I” means a person selected and trained for a
92 teacher-aide classification such as monitor aide, clerical aide,
93 classroom aide or general aide;

94 (9) “Aide II” means a service person referred to in the “Aide
95 I” classification who has completed a training program approved

96 by the state board, or who holds a high school diploma or has
97 received a general educational development certificate. Only a
98 person classified in an Aide II class title may be employed as an
99 aide in any special education program

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

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

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

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

110 (A) Has completed eighteen hours of State Board-approved
111 college credit at a regionally accredited institution of higher
112 education, or

113 (B) Has completed fifteen hours of State Board-approved
114 college credit at a regionally accredited institution of higher
115 education; and has successfully completed an in-service training

116 program determined by the state Board to be the equivalent of
117 three hours of college credit;

118 (12) “Audiovisual technician” means a person employed to
119 perform minor maintenance on audiovisual equipment, films,
120 and supplies and who fills requests for equipment;

121 (13) “Auditor” means a person employed to examine and
122 verify accounts of individual schools and to assist schools and
123 school personnel in maintaining complete and accurate records
124 of their accounts;

125 (14) “Autism mentor” means a person who works with
126 autistic students and who meets standards and experience to be
127 determined by the state Board. A person who has held or holds
128 an aide title and becomes employed as an autism mentor shall
129 hold a multiclassification status that includes both aide and
130 autism mentor titles, in accordance with section eight-b of this
131 article;

132 (15) “Braille specialist” means a person employed to provide
133 braille assistance to students. A service person who has held or
134 holds an aide title and becomes employed as a braille specialist
135 shall hold a multiclassification status that includes both aide and

136 braille specialist title, in accordance with section eight-b of this
137 article;

138 (16) “Bus operator” means a person employed to operate
139 school buses and other school transportation vehicles as
140 provided by the state board;

141 (17) “Buyer” means a person employed to review and write
142 specifications, negotiate purchase bids and recommend purchase
143 agreements for materials and services that meet predetermined
144 specifications at the lowest available costs;

145 (18) “Cabinetmaker” means a person employed to construct
146 cabinets, tables, bookcases and other furniture;

147 (19) “Cafeteria manager” means a person employed to direct
148 the operation of a food services program in a school, including
149 assigning duties to employees, approving requisitions for
150 supplies and repairs, keeping inventories, inspecting areas to
151 maintain high standards of sanitation, preparing financial reports
152 and keeping records pertinent to food services of a school;

153 (20) “Carpenter I” means a person classified as a carpenter’s
154 helper;

155 (21) “Carpenter II” means a person classified as a
156 journeyman carpenter;

157 (22) “Chief mechanic” means a person employed to be
158 responsible for directing activities which ensure that student
159 transportation or other county board-owned vehicles are properly
160 and safely maintained;

161 (23) “Clerk I” means a person employed to perform clerical
162 tasks;

163 (24) “Clerk II” means a person employed to perform general
164 clerical tasks, prepare reports and tabulations, and operate office
165 machines;

166 (25) “Computer operator” means a qualified person
167 employed to operate computers;

168 (26) “Cook I” means a person employed as a cook’s helper;

169 (27) “Cook II” means a person employed to interpret menus
170 and to prepare and serve meals in a food service program of a
171 school. This definition includes a service person who has been
172 employed as a “Cook I” for a period of four years;

173 (28) “Cook III” means a person employed to prepare and
174 serve meals, make reports, prepare requisitions for supplies,

175 order equipment and repairs for a food service program of a
176 school system;

177 (29) “Crew leader” means a person employed to organize the
178 work for a crew of maintenance employees to carry out assigned
179 projects;

180 (30) “Custodian I” means a person employed to keep
181 buildings clean and free of refuse;

182 (31) “Custodian II” means a person employed as a watchman
183 or groundsman;

184 (32) “Custodian III” means a person employed to keep
185 buildings clean and free of refuse, to operate the heating or
186 cooling systems and to make minor repairs;

187 (33) “Custodian IV” means a person employed as a head
188 custodian. In addition to providing services as defined in
189 “Custodian III” duties may include supervising other custodian
190 personnel;

191 (34) “Director or coordinator of services” means an
192 employee of a county board who is assigned to direct a
193 department or division.

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

196 (B) Professional personnel holding this class title may not be
197 defined or classified as service personnel unless the professional
198 person held a service personnel title under this section prior to
199 holding the class title of “director or coordinator of services;”

200 (C) The director or coordinator of services is classified either
201 as a professional person or a service person for state aid formula
202 funding purposes;

203 (D) Funding for the position of director or coordinator of
204 services is based upon the employment status of the director or
205 coordinator either as a professional person or a service person;
206 and

207 (E) A person employed under the class title “director or
208 coordinator of services” may not be exclusively assigned to
209 perform the duties ascribed to any other class title as defined in
210 this subsection: *Provided*, That nothing in this paragraph
211 prohibits a person in this position from being multiclassified;

212 (35) “Draftsman” means a person employed to plan, design
213 and produce detailed architectural/engineering drawings;

214 (36) “Early Childhood Classroom Assistant Teacher =
215 ~~Temporary Authorization I~~” means a person who does not
216 possess minimum requirements for the permanent authorization
217 requirements, but is enrolled in and pursuing requirements;

218 (37) “Early Childhood Classroom Assistant Teacher =
219 ~~Permanent Authorization II~~” means a person who has completed
220 the minimum requirements for a state-awarded certificate for
221 early childhood classroom assistant teachers as determined by
222 the State Board; ~~that meet or exceed the requirements for a child~~
223 ~~development associate. Equivalency for the West Virginia~~
224 ~~Department of Education will be determined as the child~~
225 ~~development associate or the West Virginia Apprenticeship for~~
226 ~~Child Development Specialists;~~

227 (38) “Early Childhood Classroom Assistant Teacher =
228 ~~Paraprofessional Certificate III~~” means a person who has
229 completed permanent authorization requirements, as well as
230 additional requirements comparable to current paraprofessional
231 certificate;

232 (39) “Educational Sign Language Interpreter I” means a
233 person employed to provide communication access across all

234 educational environments to students who are deaf or hard of
235 hearing, and who holds the Initial Paraprofessional Certificate –
236 Educational Interpreter pursuant to state board policy;

237 (40) “Educational Sign Language Interpreter II” means a
238 person employed to provide communication access across all
239 educational environments to students who are deaf or hard of
240 hearing, and who holds the Permanent Paraprofessional
241 Certificate – Educational Interpreter pursuant to state board
242 policy;

243 (41) “Electrician I” means a person employed as an
244 apprentice electrician helper or one who holds an electrician
245 helper license issued by the State Fire Marshal;

246 (42) “Electrician II” means a person employed as an
247 electrician journeyman or one who holds a journeyman
248 electrician license issued by the State Fire Marshal;

249 (43) “Electronic technician I” means a person employed at
250 the apprentice level to repair and maintain electronic equipment;

251 (44) “Electronic technician II” means a person employed at
252 the journeyman level to repair and maintain electronic
253 equipment;

254 (45) “Executive secretary” means a person employed as
255 secretary to the county school superintendent or as a secretary
256 who is assigned to a position characterized by significant
257 administrative duties;

258 (46) “Food services supervisor” means a qualified person
259 who is not a professional person or professional educator as
260 defined in section one, article one of this chapter. The food
261 services supervisor is employed to manage and supervise a
262 county school system’s food service program. The duties include
263 preparing in-service training programs for cooks and food
264 service employees, instructing personnel in the areas of quantity
265 cooking with economy and efficiency and keeping aggregate
266 records and reports;

267 (47) “Foreman” means a skilled person employed to
268 supervise personnel who work in the areas of repair and
269 maintenance of school property and equipment;

270 (48) “General maintenance” means a person employed as a
271 helper to skilled maintenance employees, and to perform minor
272 repairs to equipment and buildings of a county school system;

273 (49) “Glazier” means a person employed to replace glass or
274 other materials in windows and doors and to do minor carpentry
275 tasks;

276 (50) “Graphic artist” means a person employed to prepare
277 graphic illustrations;

278 (51) “Groundsman” means a person employed to perform
279 duties that relate to the appearance, repair and general care of
280 school grounds in a county school system. Additional
281 assignments may include the operation of a small heating plant
282 and routine cleaning duties in buildings;

283 (52) “Handyman” means a person employed to perform
284 routine manual tasks in any operation of the county school
285 system;

286 (53) “Heating and air conditioning mechanic I” means a
287 person employed at the apprentice level to install, repair and
288 maintain heating and air conditioning plants and related
289 electrical equipment;

290 (54) “Heating and air conditioning mechanic II” means a
291 person employed at the journeyman level to install, repair and

292 maintain heating and air conditioning plants and related
293 electrical equipment;

294 (55) “Heavy equipment operator” means a person employed
295 to operate heavy equipment;

296 (56) “Inventory supervisor” means a person employed to
297 supervise or maintain operations in the receipt, storage,
298 inventory and issuance of materials and supplies;

299 (57) “Key punch operator” means a qualified person
300 employed to operate key punch machines or verifying machines;

301 (58) “Licensed practical nurse” means a nurse, licensed by
302 the West Virginia Board of Examiners for Licensed Practical
303 Nurses, employed to work in a public school under the
304 supervision of a school nurse;

305 (59) “Locksmith” means a person employed to repair and
306 maintain locks and safes;

307 (60) “Lubrication man” means a person employed to
308 lubricate and service gasoline or diesel-powered equipment of a
309 county school system;

310 (61) “Machinist” means a person employed to perform
311 machinist tasks which include the ability to operate a lathe,

312 planer, shaper, threading machine and wheel press. A person
313 holding this class title also should have the ability to work from
314 blueprints and drawings;

315 (62) "Mail clerk" means a person employed to receive, sort,
316 dispatch, deliver or otherwise handle letters, parcels and other
317 mail;

318 (63) "Maintenance clerk" means a person employed to
319 maintain and control a stocking facility to keep adequate tools
320 and supplies on hand for daily withdrawal for all school
321 maintenance crafts;

322 (64) "Mason" means a person employed to perform tasks
323 connected with brick and block laying and carpentry tasks
324 related to these activities;

325 (65) "Mechanic" means a person employed to perform
326 skilled duties independently in the maintenance and repair of
327 automobiles, school buses and other mechanical and mobile
328 equipment to use in a county school system;

329 (66) "Mechanic assistant" means a person employed as a
330 mechanic apprentice and helper;

331 (67) “Multiclassification” means a person employed to
332 perform tasks that involve the combination of two or more class
333 titles in this section. In these instances the minimum salary scale
334 is the higher pay grade of the class titles involved;

335 (68) “Office equipment repairman I” means a person
336 employed as an office equipment repairman apprentice or helper;

337 (69) “Office equipment repairman II” means a person
338 responsible for servicing and repairing all office machines and
339 equipment. A person holding this class title is responsible for the
340 purchase of parts necessary for the proper operation of a
341 program of continuous maintenance and repair;

342 (70) “Painter” means a person employed to perform duties
343 painting, finishing and decorating wood, metal and concrete
344 surfaces of buildings, other structures, equipment, machinery
345 and furnishings of a county school system;

346 (71) “Paraprofessional” means a person certified pursuant to
347 section two-a, article three of this chapter to perform duties in a
348 support capacity including, but not limited to, facilitating in the
349 instruction and direct or indirect supervision of students under

350 the direction of a principal, a teacher or another designated
351 professional educator.

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

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

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

366 (72) "Payroll supervisor" means a person employed in the
367 county board office who has primary responsibility for the
368 payroll function and who either has completed twelve college
369 hours of accounting from an accredited institution of higher

370 education or has at least eight years of experience performing
371 progressively difficult accounting tasks. Responsibilities of this
372 class title may include supervision of other personnel;

373 (73) “Plumber I” means a person employed as an apprentice
374 plumber and helper;

375 (74) “Plumber II” means a person employed as a journeyman
376 plumber;

377 (75) “Printing operator” means a person employed to operate
378 duplication equipment, and to cut, collate, staple, bind and
379 shelf materials as required;

380 (76) “Printing supervisor” means a person employed to
381 supervise the operation of a print shop;

382 (77) “Programmer” means a person employed to design and
383 prepare programs for computer operation;

384 (78) “Roofing/sheet metal mechanic” means a person
385 employed to install, repair, fabricate and maintain roofs, gutters,
386 flashing and duct work for heating and ventilation;

387 (79) “Sanitation plant operator” means a person employed
388 to operate and maintain a water or sewage treatment plant to

389 ensure the safety of the plant's effluent for human consumption
390 or environmental protection;

391 (80) "School bus supervisor" means a qualified person:

392 (A) Employed to assist in selecting school bus operators and
393 routing and scheduling school buses, operate a bus when needed,
394 relay instructions to bus operators, plan emergency routing of
395 buses and promote good relationships with parents, students, bus
396 operators and other employees; and

397 (B) Certified to operate a bus or previously certified to
398 operate a bus;

399 (81) "Secretary I" means a person employed to transcribe
400 from notes or mechanical equipment, receive callers, perform
401 clerical tasks, prepare reports and operate office machines;

402 (82) "Secretary II" means a person employed in any
403 elementary, secondary, kindergarten, nursery, special education,
404 vocational, or any other school as a secretary. The duties may
405 include performing general clerical tasks; transcribing from
406 notes; stenotype, mechanical equipment or a sound-producing
407 machine; preparing reports; receiving callers and referring them
408 to proper persons; operating office machines; keeping records

409 and handling routine correspondence. Nothing in this subdivision
410 prevents a service person from holding or being elevated to a
411 higher classification;

412 (83) “Secretary III” means a person assigned to the county
413 board office administrators in charge of various instructional,
414 maintenance, transportation, food services, operations and health
415 departments, federal programs or departments with particular
416 responsibilities in purchasing and financial control or any person
417 who has served for eight years in a position which meets the
418 definition of “Secretary II” or “Secretary III”;

419 (84) “Sign Support Specialist” means a person employed to
420 provide sign supported speech assistance to students who are
421 able to access environments through audition. A person who has
422 held or holds an aide title and becomes employed as a sign
423 support specialist shall hold a multiclassification status that
424 includes both aide and sign support specialist titles, in
425 accordance with section eight-b of this article.

426 (85) “Supervisor of maintenance” means a skilled person
427 who is not a professional person or professional educator as
428 defined in section one, article one of this chapter. The

429 responsibilities include directing the upkeep of buildings and
430 shops, and issuing instructions to subordinates relating to
431 cleaning, repairs and maintenance of all structures and
432 mechanical and electrical equipment of a county board;

433 (86) “Supervisor of transportation” means a qualified person
434 employed to direct school transportation activities properly and
435 safely, and to supervise the maintenance and repair of vehicles,
436 buses and other mechanical and mobile equipment used by the
437 county school system. After July 1, 2010, all persons employed
438 for the first time in a position with this classification title or in
439 a multiclassification position that includes this title shall have
440 five years of experience working in the transportation
441 department of a county board. Experience working in the
442 transportation department consists of serving as a bus operator,
443 bus aide, assistant mechanic, mechanic, chief mechanic or in a
444 clerical position within the transportation department;

445 (87) “Switchboard operator-receptionist” means a person
446 employed to refer incoming calls, to assume contact with the
447 public, to direct and to give instructions as necessary, to operate
448 switchboard equipment and to provide clerical assistance;

449 (88) “Truck driver” means a person employed to operate
450 light or heavy duty gasoline and diesel-powered vehicles;

451 (89) “Warehouse clerk” means a person employed to be
452 responsible for receiving, storing, packing and shipping goods;

453 (90) “Watchman” means a person employed to protect
454 school property against damage or theft. Additional assignments
455 may include operation of a small heating plant and routine
456 cleaning duties;

457 (91) “Welder” means a person employed to provide
458 acetylene or electric welding services for a school system; and

459 (92) “WVEIS data entry and administrative clerk” means a
460 person employed to work under the direction of a school
461 principal to assist the school counselor or counselors in the
462 performance of administrative duties, to perform data entry tasks
463 on the West Virginia Education Information System, and to
464 perform other administrative duties assigned by the principal.

465 (j) Notwithstanding any provision in this code to the
466 contrary, and in addition to the compensation provided for
467 service personnel in section eight-a of this article, each service
468 person is entitled to all service personnel employee rights,

469 privileges and benefits provided under this or any other chapter
470 of this code without regard to the employee's hours of
471 employment or the methods or sources of compensation.

472 (k) A service person whose years of employment exceeds the
473 number of years shown and provided for under the state
474 minimum pay scale set forth in section eight-a of this article may
475 not be paid less than the amount shown for the maximum years
476 of employment shown and provided for in the classification in
477 which he or she is employed.

478 (l) Each county board shall review each service person's job
479 classification annually and shall reclassify all service persons as
480 required by the job classifications. The state superintendent may
481 withhold state funds appropriated pursuant to this article for
482 salaries for service personnel who are improperly classified by
483 the county boards. Further, the state superintendent shall order
484 a county board to correct immediately any improper
485 classification matter and, with the assistance of the Attorney
486 General, shall take any legal action necessary against any county
487 board to enforce the order.

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

490 (1) Reclassified by class title; or

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

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

502 (o) Notwithstanding any provision of this code to the
503 contrary, a service person who holds a continuing contract in a
504 specific job classification and who is physically unable to
505 perform the job's duties as confirmed by a physician chosen by
506 the employee, shall be given priority status over any employee
507 not holding a continuing contract in filling other service

508 personnel job vacancies if the service person is qualified as
509 provided in section eight-e of this article.

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

514 (q) Without the written consent of the service person, a
515 county board may not establish the beginning work station for a
516 bus operator or transportation aide at any site other than a county
517 board-owned facility with available parking. The workday of the
518 bus operator or transportation aide commences at the bus at the
519 designated beginning work station and ends when the employee
520 is able to leave the bus at the designated beginning work station,
521 unless he or she agrees otherwise in writing. The application or
522 acceptance of a posted position may not be construed as the
523 written consent referred to in this subsection.

524 (r) Itinerant status means a service person who does not have
525 a fixed work site and may be involuntarily reassigned to another
526 work site. A service person is considered to hold itinerant status
527 if he or she has bid upon a position posted as itinerant or has

528 agreed to accept this status. A county board may establish
529 positions with itinerant status only within the aide and autism
530 mentor classification categories and only when the job duties
531 involve exceptional students. A service person with itinerant
532 status may be assigned to a different work site upon written
533 notice ten days prior to the reassignment without the consent of
534 the employee and without posting the vacancy. A service person
535 with itinerant status may be involuntarily reassigned no more
536 than twice during the school year. At the conclusion of each
537 school year, the county board shall post and fill, pursuant to
538 section eight-b of this article, all positions that have been filled
539 without posting by a service person with itinerant status. A
540 service person who is assigned to a beginning and ending work
541 site and travels at the expense of the county board to other work
542 sites during the daily schedule, is not considered to hold itinerant
543 status.

544 (s) Any service person holding a classification title on June
545 30, 2013, that is removed from the classification schedule
546 pursuant to amendment and reenactment of this section in the

547 year 2013, has his or her employment contract revised as
548 follows:

549 (1) Any service person holding the Braille or Sign Language
550 Specialist classification title has that classification title renamed
551 on his or her employment contract as either Braille Specialist or
552 Sign Support Specialist. This action does not result in a loss or
553 reduction of salary or supplement by any employee. Any
554 seniority earned in the Braille or Sign Language Specialist
555 classification prior to July 1, 2013, continues to be credited as
556 seniority earned in the Braille Specialist or Sign Support
557 Specialist classification;

558 (2) Any service person holding the Paraprofessional
559 classification title and holding the Initial Paraprofessional
560 Certificate – Educational Interpreter has the title Educational
561 Sign Language Interpreter I added to his or her employment
562 contract. This action does not result in a loss or reduction of
563 salary or supplement by any employee. Any seniority earned in
564 the Paraprofessional classification prior to July 1, 2013,
565 continues to be credited as seniority earned in the Educational
566 Sign Language Interpreter I classification; and

567 (3) Any service person holding the Paraprofessional
568 classification title and holding the Permanent Paraprofessional
569 Certificate – Educational Interpreter has the title Educational
570 Sign Language Interpreter II added to his or her employment
571 contract. This action does not result in a loss or reduction of
572 salary or supplement by any employee. Any seniority earned in
573 the Paraprofessional classification prior to July 1, 2013,
574 continues to be credited as seniority earned in the Educational
575 Sign Language Interpreter II classification;

576 (t) Any person employed as an aide in a kindergarten
577 program who is eligible for full retirement benefits before the
578 first day of the instructional term in the 2020-2021 school year,
579 may not be subject to a reduction in force or transferred to create
580 a vacancy for the employment of a less senior Early Childhood
581 Classroom Assistant Teacher;

582 (u) A person who has held or holds an aide title and becomes
583 employed as an Early Childhood Classroom Assistant Teacher
584 shall hold a multiclassification status that includes aide and/or
585 paraprofessional titles in accordance with section eight-b of this
586 article.

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

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

3 (1) Beginning July 1, 2014, and continuing thereafter, the
4 minimum monthly pay for each service employee whose
5 employment is for a period of more than three and one-half
6 hours a day shall be at least the amounts indicated in the State
7 Minimum Pay Scale Pay Grade and the minimum monthly pay
8 for each service employee whose employment is for a period of
9 three and one-half hours or less a day shall be at least one-half
10 the amount indicated in the State Minimum Pay Scale Pay Grade
11 set forth in this subdivision.

12 STATE MINIMUM PAY SCALE PAY GRADE

13	Years Exp.	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>
14	0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
15	1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
16	2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
17	3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
18	4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
19	5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161

37 [Eng. Com. Sub. for H. B. No. 2702

20	6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
21	7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
22	8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
23	9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
24	10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
25	11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
26	12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
27	13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
28	14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
29	15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
30	16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
31	17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
32	18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
33	19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
34	20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
35	21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
36	22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
37	23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
38	24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
39	25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
40	26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
41	27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
42	28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
43	29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
44	30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
45	31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020

46	32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
47	33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
48	34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
49	35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
50	36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
51	37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
52	38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
53	39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
54	40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

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

59	CLASS TITLE	PAY GRADE
60	Accountant I.....	D
61	Accountant II.....	E
62	Accountant III.....	F
63	Accounts Payable Supervisor.....	G
64	Aide I.....	A
65	Aide II.....	B
66	Aide III.....	C

67	Aide IV.....	D
68	Audiovisual Technician.....	C
69	Auditor.....	G
70	Autism Mentor.....	F
71	Braille Specialist.	E
72	Bus Operator.	D
73	Buyer.	F
74	Cabinetmaker.....	G
75	Cafeteria Manager.....	D
76	Carpenter I.....	E
77	Carpenter II.	F
78	Chief Mechanic.	G
79	Clerk I.	B
80	Clerk II.....	C
81	Computer Operator.	E
82	Cook I.....	A
83	Cook II.....	B
84	Cook III.	C
85	Crew Leader.....	F
86	Custodian I.....	A

87	Custodian II.	B
88	Custodian III.	C
89	Custodian IV.	D
90	Director or Coordinator of Services	H
91	Draftsman.....	D
92	Early Childhood Classroom Assistant Teacher =	
93	Temporary Authorization I.	E
94	Early Childhood Classroom Assistant Teacher =	
95	Permanent Authorization II.	E
96	Early Childhood Classroom Assistant Teacher =	
97	Paraprofessional Certificate III	F
98	Educational Sign Language Interpreter I	F
99	Educational Sign Language Interpreter II.....	G
100	Electrician I.	F
101	Electrician II.	G
102	Electronic Technician I.	F
103	Electronic Technician II.	G
104	Executive Secretary.....	G
105	Food Services Supervisor.	G
106	Foreman.....	G

107	General Maintenance.....	C
108	Glazier.....	D
109	Graphic Artist.....	D
110	Groundsman.....	B
111	Handyman.....	B
112	Heating and Air Conditioning Mechanic I.....	E
113	Heating and Air Conditioning Mechanic II.....	G
114	Heavy Equipment Operator.....	E
115	Inventory Supervisor.....	D
116	Key Punch Operator.....	B
117	Licensed Practical Nurse.....	F
118	Locksmith.....	G
119	Lubrication Man.....	C
120	Machinist.....	F
121	Mail Clerk.....	D
122	Maintenance Clerk.....	C
123	Mason.....	G
124	Mechanic.....	F
125	Mechanic Assistant.....	E
126	Office Equipment Repairman I.....	F

127	Office Equipment Repairman II	G
128	Painter.	E
129	Paraprofessional.	F
130	Payroll Supervisor.	G
131	Plumber I.	E
132	Plumber II.	G
133	Printing Operator.	B
134	Printing Supervisor.	D
135	Programmer.	H
136	Roofing/Sheet Metal Mechanic.	F
137	Sanitation Plant Operator.	G
138	School Bus Supervisor.	E
139	Secretary I.	D
140	Secretary II.	E
141	Secretary III.	F
142	Sign Support Specialist.	E
143	Supervisor of Maintenance.	H
144	Supervisor of Transportation.	H
145	Switchboard Operator-Receptionist	D
146	Truck Driver	D

147 Warehouse Clerk C
148 Watchman B
149 Welder F
150 WVEIS Data Entry and Administrative Clerk B

151 (b) An additional \$12 per month is added to the minimum
152 monthly pay of each service person who holds a high school
153 diploma or its equivalent.

154 (c) An additional \$11 per month also is added to the
155 minimum monthly pay of each service person for each of the
156 following:

157 (1) A service person who holds twelve college hours or
158 comparable credit obtained in a trade or vocational school as
159 approved by the state board;

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

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

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

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

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

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

178 (8) A service person who holds ninety-six college hours or
179 comparable credit obtained in a trade or vocational school as
180 approved by the state board;

181 (9) A service person who holds one hundred eight college
182 hours or comparable credit obtained in a trade or vocational
183 school as approved by the state board;

184 (10) A service person who holds one hundred twenty college
185 hours or comparable credit obtained in a trade or vocational
186 school as approved by the state board.

187 (d) An additional \$40 per month also is added to the
188 minimum monthly pay of each service person for each of the
189 following:

190 (1) A service person who holds an associate's degree;

191 (2) A service person who holds a bachelor's degree;

192 (3) A service person who holds a master's degree;

193 (4) A service person who holds a doctorate degree.

194 (e) An additional \$11 per month is added to the minimum
195 monthly pay of each service person for each of the following:

196 (1) A service person who holds a bachelor's degree plus
197 fifteen college hours;

198 (2) A service person who holds a master's degree plus
199 fifteen college hours;

200 (3) A service person who holds a master's degree plus thirty
201 college hours;

202 (4) A service person who holds a master's degree plus
203 forty-five college hours; and

204 (5) A service person who holds a master's degree plus sixty
205 college hours.

206 (f) To meet the objective of salary equity among the
207 counties, each service person is paid an equity supplement, as set
208 forth in section five of this article, of \$164 per month, subject to
209 the provisions of that section. These payments: (i) Are in
210 addition to any amounts prescribed in the applicable State
211 Minimum Pay Scale Pay Grade, any specific additional amounts
212 prescribed in this section and article and any county supplement
213 in effect in a county pursuant to section five-b of this article; (ii)
214 are paid in equal monthly installments; and (iii) are considered
215 a part of the state minimum salaries for service personnel.

216 (g) When any part of a school service person's daily shift of
217 work is performed between the hours of six o'clock p. m. and
218 five o'clock a. m. the following day, the employee is paid no less
219 than an additional \$10 per month and one half of the pay is paid
220 with local funds.

221 (h) Any service person required to work on any legal school
222 holiday is paid at a rate one and one-half times the person's
223 usual hourly rate.

224 (i) Any full-time service personnel required to work in
225 excess of their normal working day during any week which

226 contains a school holiday for which they are paid is paid for the
227 additional hours or fraction of the additional hours at a rate of
228 one and one-half times their usual hourly rate and paid entirely
229 from county board funds.

230 (j) A service person may not have his or her daily work
231 schedule changed during the school year without the employee's
232 written consent and the person's required daily work hours may
233 not be changed to prevent the payment of time and one-half
234 wages or the employment of another employee.

235 (k) The minimum hourly rate of pay for extra duty
236 assignments as defined in section eight-b of this article is no less
237 than one seventh of the person's daily total salary for each hour
238 the person is involved in performing the assignment and paid
239 entirely from local funds: *Provided*, That an alternative
240 minimum hourly rate of pay for performing extra duty
241 assignments within a particular category of employment may be
242 used if the alternate hourly rate of pay is approved both by the
243 county board and by the affirmative vote of a two-thirds majority
244 of the regular full-time persons within that classification
245 category of employment within that county: *Provided, however*,

246 That the vote is by secret ballot if requested by a service person
247 within that classification category within that county. The salary
248 for any fraction of an hour the employee is involved in
249 performing the assignment is prorated accordingly. When
250 performing extra duty assignments, persons who are regularly
251 employed on a one-half day salary basis shall receive the same
252 hourly extra duty assignment pay computed as though the person
253 were employed on a full-day salary basis.

254 (l) The minimum pay for any service personnel engaged in
255 the removal of asbestos material or related duties required for
256 asbestos removal is their regular total daily rate of pay and no
257 less than an additional \$3 per hour or no less than \$5 per hour for
258 service personnel supervising asbestos removal responsibilities
259 for each hour these employees are involved in asbestos-related
260 duties. Related duties required for asbestos removal include, but
261 are not limited to, travel, preparation of the work site, removal
262 of asbestos, decontamination of the work site, placing and
263 removal of equipment and removal of structures from the site. If
264 any member of an asbestos crew is engaged in asbestos-related
265 duties outside of the employee's regular employment county, the

266 daily rate of pay is no less than the minimum amount as
267 established in the employee's regular employment county for
268 asbestos removal and an additional \$30 per each day the
269 employee is engaged in asbestos removal and related duties. The
270 additional pay for asbestos removal and related duties shall be
271 payable entirely from county funds. Before service personnel
272 may be used in the removal of asbestos material or related
273 duties, they shall have completed a federal Environmental
274 Protection Act-approved training program and be licensed. The
275 employer shall provide all necessary protective equipment and
276 maintain all records required by the Environmental Protection
277 Act.

278 (m) For the purpose of qualifying for additional pay as
279 provided in section eight, article five of this chapter, an aide is
280 considered to be exercising the authority of a supervisory aide
281 and control over pupils if the aide is required to supervise,
282 control, direct, monitor, escort or render service to a child or
283 children when not under the direct supervision of a certified
284 professional person within the classroom, library, hallway,
285 lunchroom, gymnasium, school building, school grounds or

286 wherever supervision is required. For purposes of this section,
287 “under the direct supervision of a certified professional person”
288 means that certified professional person is present, with and
289 accompanying the aide.

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

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

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

16 applies. Qualified applicants shall be considered in the following
17 order:

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

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

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

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

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

34 (6) Substitute service personnel who do not hold a
35 classification title within the classification category of the
36 vacancy; and

37 (7) New service personnel.

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

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

45 (1) A promotion includes a transfer to another classification
46 category or place of employment if the position is not filled by
47 an employee who holds a title within that classification category
48 of employment.

49 (2) Each class title listed in section eight of this article is
50 considered a separate classification category of employment for
51 service personnel, except for those class titles having Roman
52 numeral designations, which are considered a single
53 classification of employment:

54 (A) The cafeteria manager class title is included in the same
55 classification category as cooks;

56 (B) The executive secretary class title is included in the same
57 classification category as secretaries;

58 (C) Paraprofessional, autism mentor, early classroom
59 assistant teacher and braille or sign ~~language~~ support specialist
60 class titles are included in the same classification category as
61 aides; and

62 (D) The mechanic assistant and chief mechanic class titles
63 are included in the same classification category as mechanics.

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

67 (4) Assignment of a custodian to work shifts in a school or
68 work site is based on seniority within the custodian classification
69 category.

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

73 (f) *Extra-duty assignments.* —

74 (1) For the purpose of this section, "extra-duty assignment"
75 means an irregular job that occurs periodically or occasionally

76 such as, but not limited to, field trips, athletic events, proms,
77 banquets and band festival trips.

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

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

87 (B) An alternative procedure for making extra-duty
88 assignments within a particular classification category of
89 employment may be used if the alternative procedure is
90 approved both by the county board and by an affirmative vote of
91 two-thirds of the employees within that classification category
92 of employment.

93 (g) County boards shall post and date notices of all job
94 vacancies of existing or newly created positions in conspicuous

95 places for all school service personnel to observe for at least five
96 working days.

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

99 (2) Notice of a job vacancy shall include the job description,
100 the period of employment, the work site, the starting and ending
101 time of the daily shift, the amount of pay and any benefits and
102 other information that is helpful to prospective applicants to
103 understand the particulars of the job. The notice of a job vacancy
104 in the aide classification categories shall include the program or
105 primary assignment of the position. Job postings for vacancies
106 made pursuant to this section shall be written to ensure that the
107 largest possible pool of qualified applicants may apply. Job
108 postings may not require criteria which are not necessary for the
109 successful performance of the job and may not be written with
110 the intent to favor a specific applicant.

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

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

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

122 (i) The seniority of a service person is determined on the
123 basis of the length of time the employee has been employed by
124 the county board within a particular job classification. For the
125 purpose of establishing seniority for a preferred recall list as
126 provided in this section, a service person who has been
127 employed in one or more classifications retains the seniority
128 accrued in each previous classification.

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

132 (1) The employee with the least amount of seniority within
133 that classification or grades of classification is properly released

134 and employed in a different grade of that classification if there
135 is a job vacancy;

136 (2) If there is no job vacancy for employment within that
137 classification or grades of classification, the service person is
138 employed in any other job classification which he or she
139 previously held with the county board if there is a vacancy and
140 retains any seniority accrued in the job classification or grade of
141 classification.

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

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

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

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

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

165 (l) If two or more service persons accumulate identical
166 seniority, the priority is determined by a random selection
167 system established by the employees and approved by the county
168 board.

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

174 (n) A service person placed upon the preferred recall list
175 shall be recalled to any position openings by the county board
176 within the classification(s) where he or she had previously been
177 employed, to any lateral position for which the service person is
178 qualified or to a lateral area for which a service person has
179 certification and/or licensure.

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

184 (p) The county board shall notify all service personnel on the
185 preferred recall list of all position openings that exist from time
186 to time. The notice shall be sent by certified mail to the last
187 known address of the service person. Each service person shall
188 notify the county board of any change of address.

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

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

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

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

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

NOTE: The purpose of this bill is to redefine the service personnel class titles of early childhood classroom assistant teachers to smooth the transition of former early childhood aides to this new classification of school service personnel. The changes include protections from reduction in force or transfer for these aides eligible for full retirement benefits before July 1, 2020 to create vacancy for less senior early childhood

classroom assistant teacher; requiring an aide who becomes employed as early childhood classroom assistant teacher to hold certain multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.

