

HB # 4180

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Com. Sub. for
HOUSE BILL No. 4180

(By Delegates *Ashcraft and Proudfoot*)



Passed *March 10,* 1994

In Effect *Ninety Days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4180
(By DELEGATES ASHCRAFT AND PROUDFOOT)

[Passed March 10, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact sections eight, eight-g, fifteen and sixteen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to class titles of service personnel; definitions; employment of service personnel substitutes; extracurricular assignments; and termination of seniority for service personnel.

Be it enacted by the Legislature of West Virginia:

That sections eight, eight-g, fifteen and sixteen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

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

1 The purpose of this section is to establish an employ-
2 ment term and class titles for service personnel. The
3 employment term for service personnel shall be no less
4 than ten months, a month being defined as twenty
5 employment days: *Provided*, That the county board of
6 education may contract with all or part of these
7 personnel for a longer term. The beginning and closing

8 dates of the ten-month employment term shall not
9 exceed forty-three weeks.

10 Service personnel employed on a yearly or twelve-
11 month basis may be employed by calendar months.
12 Whenever there is a change in job assignment during
13 the school year, the minimum pay scale and any county
14 supplement shall be applicable.

15 Service personnel employed in the same classification
16 for more than the two hundred day minimum employ-
17 ment term shall be paid for additional employment at
18 a daily rate of not less than the daily rate paid for the
19 two hundred day minimum employment term.

20 No service employee, without his agreement, shall be
21 required to report for work more than five days per
22 week and no part of any working day may be accum-
23 ulated by the employer for future work assignments,
24 unless the employee agrees thereto.

25 Should an employee whose regular work week is
26 scheduled from Monday through Friday agree to
27 perform any work assignments on a Saturday or
28 Sunday, the employee shall be paid for at least one-half
29 day of work for each such day he reports for work, and
30 if the employee works more than three and one-half
31 hours on any Saturday or Sunday, he shall be paid for
32 at least a full day of work for each such day.

33 Custodians, aides, maintenance, office and school
34 lunch employees required to work a daily work schedule
35 that is interrupted, that is, who do not work a continuous
36 period in one day, shall be paid additional compensation
37 which shall be equal to at least one eighth of their total
38 salary as provided by their state minimum salary and
39 any county pay supplement, and payable entirely from
40 county funds: *Provided*, That when engaged in duties of
41 transporting students exclusively, aides shall not be
42 regarded as working an interrupted schedule.

43 Upon the change in classification or upon meeting the
44 requirements of an advanced classification of or by any
45 employee, his salary shall be made to comply with the
46 requirements of this article, and to any county salary

47 schedule in excess of the minimum requirements of this
48 article, based upon his advanced classification and
49 allowable years of employment.

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

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

59 "Pay grade" means the monthly salary applicable to
60 class titles of service personnel.

61 "Years of employment" means the number of years
62 which an employee classified as service personnel has
63 been employed by a board of education in any position
64 prior to or subsequent to the effective date of this section
65 and including service in the armed forces of the United
66 States if the employee were employed at the time of his
67 induction. For the purpose of section eight-a of this
68 article, years of employment shall be limited to the
69 number of years shown and allowed under the state
70 minimum pay scale as set forth in section eight-a of this
71 article.

72 "Class title" means the name of the position or job held
73 by service personnel.

74 "Accountant I" means personnel employed to maintain
75 payroll records and reports and perform one or more
76 operations relating to a phase of the total payroll.

77 "Accountant II" means personnel employed to main-
78 tain accounting records and to be responsible for the
79 accounting process associated with billing, budgets,
80 purchasing and related operations.

81 "Accountant III" means personnel who are employed
82 in the county board of education office to manage and
83 supervise accounts payable and/or payroll procedures.

84 "Aide I" means those personnel selected and trained

85 for teacher-aide classifications such as monitor aide,
86 clerical aide, classroom aide or general aide.

87 "Aide II" means those personnel referred to in the
88 "Aide I" classification who have completed a training
89 program approved by the state board of education, or
90 who hold a high school diploma or have received a
91 general educational development certificate. Only
92 personnel classified in an Aide II class title shall be
93 employed as an aide in any special education program.

94 "Aide III" means those personnel referred to in the
95 "Aide I" classification who hold a high school diploma
96 or a general educational development certificate, and
97 have completed six semester hours of college credit at
98 an institution of higher education or are employed as an
99 aide in a special education program and have one year's
100 experience as an aide in special education.

101 "Aide IV" means personnel referred to in the "Aide
102 I" classification who hold a high school diploma or a
103 general educational development certificate and who
104 have completed eighteen hours of state board-approved
105 college credit at a regionally accredited institution of
106 higher education, or who have completed fifteen hours
107 of state board-approved college credit at a regionally
108 accredited institution of higher education and success-
109 fully completed an in-service training program deter-
110 mined by the state board to be the equivalent of three
111 hours of college credit.

112 "Audiovisual technician" means personnel employed
113 to perform minor maintenance on audiovisual equip-
114 ment, films, supplies and the filling of requests for
115 equipment.

116 "Auditor" means personnel employed to examine and
117 verify accounts of individual schools and to assist schools
118 and school personnel in maintaining complete and
119 accurate records of their accounts.

120 "Autism mentor" means personnel who work with
121 autistic students and who meet standards and expe-
122 rience to be determined by the state board: *Provided,*
123 That the state board shall determine these standards

124 and experience on or before the first day of July, one
125 thousand nine hundred ninety-two.

126 "Braille or sign language specialist" means personnel
127 employed to provide braille and/or sign language
128 assistance to students.

129 "Bus operator" means personnel employed to operate
130 school buses and other school transportation vehicles as
131 provided by the state board of education.

132 "Buyer" means personnel employed to review and
133 write specifications, negotiate purchase bids and
134 recommend purchase agreements for materials and
135 services that meet predetermined specifications at the
136 lowest available costs.

137 "Cabinetmaker" means personnel employed to con-
138 struct cabinets, tables, bookcases and other furniture.

139 "Cafeteria manager" means personnel employed to
140 direct the operation of a food services program in a
141 school, including assigning duties to employees, approv-
142 ing requisitions for supplies and repairs, keeping
143 inventories, inspecting areas to maintain high standards
144 of sanitation, preparing financial reports and keeping
145 records pertinent to food services of a school.

146 "Carpenter I" means personnel classified as a carpen-
147 ter's helper.

148 "Carpenter II" means personnel classified as a
149 journeyman carpenter.

150 "Chief mechanic" means personnel employed to be
151 responsible for directing activities which ensure that
152 student transportation or other board-owned vehicles
153 are properly and safely maintained.

154 "Clerk I" means personnel employed to perform
155 clerical tasks.

156 "Clerk II" means personnel employed to perform
157 general clerical tasks, prepare reports and tabulations
158 and operate office machines.

159 "Computer operator" means qualified personnel
160 employed to operate computers.

161 "Cook I" means personnel employed as a cook's helper.

162 "Cook II" means personnel employed to interpret
163 menus, to prepare and serve meals in a food service
164 program of a school and shall include personnel who
165 have been employed as a "Cook I" for a period of four
166 years, if such personnel have not been elevated to this
167 classification within that period of time.

168 "Cook III" means personnel employed to prepare and
169 serve meals, make reports, prepare requisitions for
170 supplies, order equipment and repairs for a food service
171 program of a school system.

172 "Crew leader" means personnel employed to organize
173 the work for a crew of maintenance employees to carry
174 out assigned projects.

175 "Custodian I" means personnel employed to keep
176 buildings clean and free of refuse.

177 "Custodian II" means personnel employed as a
178 watchman or groundsman.

179 "Custodian III" means personnel employed to keep
180 buildings clean and free of refuse, to operate the heating
181 or cooling systems and to make minor repairs.

182 "Custodian IV" means personnel employed as head
183 custodians. In addition to providing services as defined
184 in "Custodian III," their duties may include supervising
185 other custodian personnel.

186 "Director or coordinator of services" means personnel
187 who are assigned to direct a department or division.
188 Nothing herein shall prohibit professional personnel or
189 professional educators as defined in section one, article
190 one of this chapter, from holding this class title, but
191 professional personnel shall not be defined or classified
192 as service personnel unless the professional personnel
193 held a service personnel title under this section prior to
194 holding class title of "director or coordinator of
195 services": *Provided*, That funding for professional
196 personnel in positions classified as directors or coordi-
197 nators of services who were assigned prior to the first
198 day of May, one thousand nine hundred ninety-four,

199 shall not be required to be redirected from service
200 personnel categories as a result of this provision until
201 the first day of July, one thousand nine hundred ninety-
202 six. Thereafter, directors or coordinators of service
203 positions shall be classified as either a professional
204 personnel or service personnel position for state aid
205 formula funding purposes and funding for directors or
206 coordinators of service positions shall be based upon the
207 employment status of the director or coordinator either
208 as a professional personnel or service personnel.

209 “Draftsman” means personnel employed to plan,
210 design and produce detailed architectural/engineering
211 drawings.

212 “Electrician I” means personnel employed as an
213 apprentice electrician helper or who holds an electrician
214 helper license issued by the state fire marshal.

215 “Electrician II” means personnel employed as an
216 electrician journeyman or who holds a journeyman
217 electrician license issued by the state fire marshal.

218 “Electronic technician I” means personnel employed
219 at the apprentice level to repair and maintain electronic
220 equipment.

221 “Electronic technician II” means personnel employed
222 at the journeyman level to repair and maintain elec-
223 tronic equipment.

224 “Executive secretary” means personnel employed as
225 the county school superintendent’s secretary or as a
226 secretary who is assigned to a position characterized by
227 significant administrative duties.

228 “Food services supervisor” means qualified personnel
229 not defined as professional personnel or professional
230 educators in section one, article one of this chapter,
231 employed to manage and supervise a county school
232 system’s food service program. The duties would include
233 preparing in-service training programs for cooks and
234 food service employees, instructing personnel in the
235 areas of quantity cooking with economy and efficiency,
236 and keeping aggregate records and reports.

237 "Foremen" means skilled persons employed for
238 supervision of personnel who work in the areas of repair
239 and maintenance of school property and equipment.

240 "General maintenance" means personnel employed as
241 helpers to skilled maintenance employees and to
242 perform minor repairs to equipment and buildings of a
243 county school system.

244 "Glazier" means personnel employed to replace glass
245 or other materials in windows and doors and to do minor
246 carpentry tasks.

247 "Graphic artist" means personnel employed to prepare
248 graphic illustrations.

249 "Groundsmen" means personnel employed to perform
250 duties that relate to the appearance, repair and general
251 care of school grounds in a county school system.
252 Additional assignments may include the operation of a
253 small heating plant and routine cleaning duties in
254 buildings.

255 "Handyman" means personnel employed to perform
256 routine manual tasks in any operation of the county
257 school system.

258 "Heating and air conditioning mechanic I" means
259 personnel employed at the apprentice level to install,
260 repair and maintain heating and air conditioning plants
261 and related electrical equipment.

262 "Heating and air conditioning mechanic II" means
263 personnel employed at the journeyman level to install,
264 repair and maintain heating and air conditioning plants
265 and related electrical equipment.

266 "Heavy equipment operator" means personnel em-
267 ployed to operate heavy equipment.

268 "Inventory supervisor" means personnel who are
269 employed to supervise or maintain operations in the
270 receipt, storage, inventory and issuance of materials and
271 supplies.

272 "Key punch operator" means qualified personnel
273 employed to operate key punch machines or verifying

274 machines.

275 "Locksmith" means personnel employed to repair and
276 maintain locks and safes.

277 "Lubrication man" means personnel employed to
278 lubricate and service gasoline or diesel-powered equip-
279 ment of a county school system.

280 "Machinist" means personnel employed to perform
281 machinist tasks which include the ability to operate a
282 lathe, planer, shaper, threading machine and wheel
283 press. Such personnel should also have ability to work
284 from blueprints and drawings.

285 "Mail clerk" means personnel employed to receive,
286 sort, dispatch, deliver or otherwise handle letters,
287 parcels and other mail.

288 "Maintenance clerk" means personnel employed to
289 maintain and control a stocking facility to keep ade-
290 quate tools and supplies on hand for daily withdrawal
291 for all school maintenance crafts.

292 "Mason" means personnel employed to perform tasks
293 connected with brick and block laying and carpentry
294 tasks related to such laying.

295 "Mechanic" means personnel employed who can
296 independently perform skilled duties in the maintenance
297 and repair of automobiles, school buses and other
298 mechanical and mobile equipment to use in a county
299 school system.

300 "Mechanic assistant" means personnel employed as a
301 mechanic apprentice and helper.

302 "Multi-classification" means personnel employed to
303 perform tasks that involve the combination of two or
304 more class titles in this section. In such instances the
305 minimum salary scale shall be the higher pay grade of
306 the class titles involved.

307 "Office equipment repairman I" means personnel
308 employed as an office equipment repairman apprentice
309 or helper.

310 "Office equipment repairman II" means personnel

311 responsible for servicing and repairing all office
312 machines and equipment. Personnel shall be responsible
313 for parts being purchased necessary for the proper
314 operation of a program of continuous maintenance and
315 repair.

316 "Painter" means personnel employed to perform
317 duties of painting, finishing and decorating of wood,
318 metal and concrete surfaces of buildings, other struc-
319 tures, equipment, machinery and furnishings of a
320 county school system.

321 "Paraprofessional" means a person certified pursuant
322 to section two-a, article three of this chapter to perform
323 duties in a support capacity including, but not limited
324 to, facilitating in the instruction and direct or indirect
325 supervision of pupils under the direction of a principal,
326 a teacher, or another designated professional educator:
327 *Provided*, That no person employed on the effective date
328 of this section in the position of an aide may be reduced
329 in force or transferred to create a vacancy for the
330 employment of a paraprofessional.

331 "Plumber I" means personnel employed as an apprent-
332 ice plumber and helper.

333 "Plumber II" means personnel employed as a journey-
334 man plumber.

335 "Printing operator" means personnel employed to
336 operate duplication equipment, and as required, to cut,
337 collate, staple, bind and shelve materials.

338 "Printing supervisor" means personnel employed to
339 supervise the operation of a print shop.

340 "Programmer" means personnel employed to design
341 and prepare programs for computer operation.

342 "Roofing/sheet metal mechanic" means personnel
343 employed to install, repair, fabricate and maintain roofs,
344 gutters, flashing and duct work for heating and
345 ventilation.

346 "Sanitation plant operator" means personnel employed
347 to operate and maintain a water or sewage treatment
348 plant to ensure the safety of the plant's effluent for

349 human consumption or environmental protection.

350 "School bus supervisor" means qualified personnel
351 employed to assist in selecting school bus operators and
352 routing and scheduling of school buses, operate a bus
353 when needed, relay instructions to bus operators, plan
354 emergency routing of buses and promoting good
355 relationships with parents, pupils, bus operators and
356 other employees.

357 "Secretary I" means personnel employed to transcribe
358 from notes or mechanical equipment, receive callers,
359 perform clerical tasks, prepare reports and operate
360 office machines.

361 "Secretary II" means personnel employed in any
362 elementary, secondary, kindergarten, nursery, special
363 education, vocational or any other school as a secretary.
364 The duties may include performing general clerical
365 tasks, transcribing from notes or stenotype or mechan-
366 ical equipment or a sound-producing machine, prepar-
367 ing reports, receiving callers and referring them to
368 proper persons, operating office machines, keeping
369 records and handling routine correspondence. There is
370 nothing implied herein that would prevent such em-
371 ployees from holding or being elevated to a higher
372 classification.

373 "Secretary III" means personnel assigned to the
374 county board of education office administrators in
375 charge of various instructional, maintenance, transpor-
376 tation, food services, operations and health departments,
377 federal programs or departments with particular
378 responsibilities of purchasing and financial control or
379 any personnel who have served in a position which meets
380 the definition of "Secretary II" or "Secretary III" herein
381 for eight years.

382 "Supervisor of maintenance" means skilled personnel
383 not defined as professional personnel or professional
384 educators as in section one, article one of this chapter.
385 The responsibilities would include directing the upkeep
386 of buildings and shops, issuing instructions to subordi-
387 nates relating to cleaning, repairs and maintenance of
388 all structures and mechanical and electrical equipment

389 of a board of education.

390 "Supervisor of transportation" means qualified
391 personnel employed to direct school transportation
392 activities, properly and safely, and to supervise the
393 maintenance and repair of vehicles, buses, and other
394 mechanical and mobile equipment used by the county
395 school system.

396 "Switchboard operator-receptionist" means personnel
397 employed to refer incoming calls, to assume contact with
398 the public, to direct and to give instructions as neces-
399 sary, to operate switchboard equipment and to provide
400 clerical assistance.

401 "Truck driver" means personnel employed to operate
402 light or heavy duty gasoline and diesel-powered vehicles.

403 "Warehouse clerk" means personnel employed to be
404 responsible for receiving, storing, packing and shipping
405 goods.

406 "Watchman" means personnel employed to protect
407 school property against damage or theft. Additional
408 assignments may include operation of a small heating
409 plant and routine cleaning duties.

410 "Welder" means personnel employed to provide
411 acetylene or electric welding services for a school
412 system.

413 In addition to the compensation provided for in section
414 eight-a of this article, for service personnel, each service
415 employee shall, notwithstanding any provisions in this
416 code to the contrary, be entitled to all service personnel
417 employee rights, privileges and benefits provided under
418 this or any other chapter of this code without regard to
419 such employee's hours of employment or the methods or
420 sources of compensation.

421 Service personnel whose years of employment exceed
422 the number of years shown and provided for under the
423 state minimum pay scale set forth in section eight-a of
424 this article may not be paid less than the amount shown
425 for the maximum years of employment shown and
426 provided for in the classification in which he is

427 employed.

428 The county boards shall review each service personnel
429 employee job classification annually and shall reclassify
430 all service employees as required by such job classifi-
431 cations. The state superintendent of schools is hereby
432 authorized to withhold state funds appropriated pursu-
433 ant to this article for salaries for service personnel who
434 are improperly classified by such county boards.
435 Further, he shall order county boards to correct
436 immediately any improper classification matter and
437 with the assistance of the attorney general shall take any
438 legal action necessary against any county board to
439 enforce such order.

440 No service employee, without his written consent, may
441 be reclassified by class title, nor may a service employee,
442 without his written consent, be relegated to any
443 condition of employment which would result in a
444 reduction of his salary, rate of pay, compensation or
445 benefits earned during the current fiscal year or which
446 would result in a reduction of his salary, rate of pay,
447 compensation or benefits for which he would qualify by
448 continuing in the same job position and classification
449 held during said fiscal year and subsequent years.

450 Any board failing to comply with the provisions of this
451 article may be compelled to do so by mandamus, and
452 shall be liable to any party prevailing against the board
453 for court costs and his reasonable attorney fee, as
454 determined and established by the court.

455 Notwithstanding any provisions in this code to the
456 contrary, service personnel who hold a continuing
457 contract in a specific job classification and are physi-
458 cally unable to perform the job's duties as confirmed by
459 a physician chosen by the employee shall be given
460 priority status over any employee not holding a contin-
461 uing contract in filling other service personnel job
462 vacancies if qualified as provided in section eight-e of
463 this article.

**§18A-4-8g. Determination of seniority for service
personnel.**

1 The seniority for service personnel shall be deter-
2 mined in the following manner:

3 Seniority accumulation for a regular school service
4 employee shall begin on the date such employee enters
5 upon regular employment duties pursuant to a contract
6 as provided in section five, article two of this chapter
7 and shall continue until the employee's employment as
8 a regular employee is severed with the county board of
9 education. Seniority shall not cease to accumulate when
10 an employee is absent without pay as authorized by the
11 county board or the absence is due to illness or other
12 reasons over which the employee has no control as
13 authorized by the county board. Seniority accumulation
14 for a substitute employee shall begin upon the date the
15 employee enters upon the duties of a substitute as
16 provided in section fifteen, article four of this chapter,
17 after executing with the board a contract of employment
18 as provided in section five, article two of this chapter.
19 The seniority of a substitute employee, once established,
20 shall continue until such employee enters into the duties
21 of a regular employment contract as provided in section
22 five, article two of this chapter or employment as a
23 substitute with the county board of education is severed.
24 Seniority of a regular or substitute employee shall
25 continue to accumulate except during the time when an
26 employee is willfully absent from employment duties
27 because of a concerted work stoppage or strike or is
28 suspended without pay.

29 For all purposes including the filling of vacancies and
30 reduction in force, seniority shall be accumulated within
31 particular classification categories of employment as
32 those classification categories are referred to in section
33 eight-e of this article: *Provided*, That when implement-
34 ing a reduction in force, an employee with the least
35 seniority within a particular classification category shall
36 be properly released and placed on the preferred recall
37 list. The particular classification title held by an
38 employee within the classification category shall not be
39 taken into consideration when implementing a reduction
40 in force.

41 On or before the first day of September and the

42 fifteenth day of January of each school year, county
43 boards of education shall post at each county school or
44 working station the current seniority list or lists of each
45 school service classification. Each list shall contain the
46 name of each regularly employed school service person-
47 nel employed in each classification and the date that
48 each employee began performing his assigned duties in
49 each classification. Current seniority lists of substitute
50 school service personnel shall be available to employees
51 upon request at the county board of education office.

52 The seniority of an employee who transfers out of a
53 class title or classification category of employment and
54 subsequently returns to said class title or classification
55 category of employment shall be calculated as follows:

56 The county board of education shall establish the
57 number of calendar days between the date the employee
58 left the class title or category of employment in question
59 and the date of return to the class title or classification
60 category of employment. This number of days shall be
61 added to the employee's initial seniority date to establish
62 a new beginning seniority date within the class title or
63 classification category. The employee shall then be
64 considered as having held uninterrupted service within
65 the class title or classification category from the newly
66 established seniority date. The seniority of an employee
67 who has had a break in the accumulation of seniority
68 as a result of being willfully absent from employment
69 duties because of a concerted work stoppage or strike
70 shall be calculated in a like manner.

71 A substitute school service employee shall acquire
72 regular employment status and seniority if said em-
73 ployee receives a position pursuant to section fifteen,
74 subsections (2) and (5) article four of this chapter.
75 County boards of education shall not be prohibited from
76 providing any benefits of regular employment for
77 substitute employees, but such benefits shall not include
78 regular employee status and seniority.

79 If two or more employees accumulate identical
80 seniority, the priority shall be determined by a random
81 selection system established by the employees and

82 approved by the county board.

83 A board of education shall conduct such random
84 selection within thirty days upon said employees
85 establishing an identical seniority date. All employees
86 with an identical seniority date within the same class
87 title or classification category shall participate in the
88 random selection. As long as the affected employees hold
89 identical seniority within the same classification
90 category, the initial random selection conducted by the
91 board of education shall be permanent for the duration
92 of the employment within the same classification
93 category of said employees by the board of education.
94 This random selection priority shall apply to the filling
95 of vacancies and to the reduction in force of school
96 service personnel.

97 Service personnel who are employed in a classification
98 category of employment at the time when a vacancy is
99 posted in the same classification category of employment
100 shall be given first opportunity to fill such vacancy.

101 Seniority acquired as a substitute and as a regular
102 employee shall be calculated separately and shall not be
103 combined for any purpose. Seniority acquired within
104 different classification categories shall be calculated
105 separately: *Provided*, That when a school service
106 employee makes application for a position outside of the
107 classification category currently held, if the vacancy is
108 not filled by an applicant within the classification
109 category of the vacancy, the applicant shall combine all
110 regular employment seniority acquired for the purposes
111 of bidding on the position.

112 School service personnel who hold multi-classification
113 titles shall accrue seniority in each classification
114 category of employment which said employee holds and
115 shall be considered an employee of each classification
116 category contained within his multi-classification title.
117 Multi-classified employees shall be subject to reduction
118 in force in any category of employment contained within
119 their multi-classification title based upon the seniority
120 accumulated within said category of employment:
121 *Provided*, That if a multi-classified employee is reduced

122 in force in one classification category, said employee
123 shall retain employment in any of the other classifica-
124 tion categories that he holds within his multi-classifica-
125 tion title. In such a case, the county board of education
126 shall delete the appropriate classification title or
127 classification category from the contract of the multi-
128 classified employee.

129 When applying to fill a vacancy outside the classifi-
130 cation categories held by the multi-classified employee,
131 seniority acquired simultaneously in different classifica-
132 tion categories shall be calculated as if accrued in one
133 classification category only.

134 The seniority conferred herein shall apply retroac-
135 tively to all affected school service personnel, but the
136 rights incidental thereto shall commence as of the
137 effective date of this section.

§18A-4-15. Employment of service personnel substitutes.

1 The county board shall employ and the county
2 superintendent, subject to the approval of the county
3 board of education, shall assign substitute service
4 personnel on the basis of seniority to perform any of the
5 following duties:

6 (1) To fill the temporary absence of another service
7 employee;

8 (2) To fill the position of a regular service employee
9 on leave of absence: *Provided*, That if such leave of
10 absence is to extend beyond thirty days, the board,
11 within twenty working days from the commencement of
12 the leave of absence, shall give regular employee status
13 to a person hired to fill such position. The person
14 employed on a regular basis shall be selected under the
15 procedure set forth in section eight-b of this article. The
16 substitute shall hold such position and regular employee
17 status only until the regular employee shall be returned
18 to such position and the substitute shall have and shall
19 be accorded all rights, privileges and benefits pertain-
20 ing to such position;

21 (3) To perform the service of a service employee who
22 is authorized to be absent from duties without loss of

23 pay;

24 (4) To temporarily fill a vacancy in a permanent
25 position caused by severance of employment by the
26 resignation, transfer, retirement, permanent disability
27 or death of the regular service employee who had been
28 assigned to fill such position: *Provided*, That within
29 twenty working days from the commencement of the
30 vacancy, the board shall fill such vacancy under the
31 procedures set out in section eight-b of this article and
32 section five, article two of this chapter and such person
33 hired to fill the vacancy shall have and shall be accorded
34 all rights, privileges and benefits pertaining to such
35 position;

36 (5) To fill the vacancy created by a regular employee's
37 suspension: *Provided*, That if the suspension is for more
38 than thirty working days the substitute service em-
39 ployee shall be assigned to fill the vacancy on a regular
40 basis and shall have and be accorded all rights,
41 privileges and benefits pertaining to such position until
42 such termination by the county board of education
43 becomes final. If the suspended employee is not returned
44 to his job, the board shall fill the vacancy under the
45 procedures set out in section eight-b of this article and
46 section five, article two of this chapter; and

47 (6) To temporarily fill a vacancy in a newly created
48 position prior to employment of a service personnel on
49 a regular basis under the procedure set forth in section
50 eight-b of this article.

51 Substitutes shall be assigned in the following manner:
52 A substitute with the greatest length of service time,
53 that is, from the date he began his assigned duties as
54 a substitute in that particular category of employment,
55 shall be given priority in accepting the assignment
56 throughout the period of the regular employee's absence
57 or until the vacancy is filled on a regular basis under
58 the procedures set out in section eight-b of this article.
59 All substitutes shall be employed on a rotating basis
60 according to the length of their service time until each
61 substitute has had an opportunity to perform similar
62 assignments: *Provided*, That if there are regular service

63 employees employed in the same building or working
64 station as the absent employee and who are employed
65 in the same classification category of employment, such
66 regular employees shall be first offered the opportunity
67 to fill the position of the absent employee on a rotating
68 and seniority basis with the substitute then filling the
69 regular employee's position. A regular employee as-
70 signed to fill the position of an absent employee shall be
71 given the opportunity to hold that position throughout
72 such absence.

73 The salary of a substitute service employee shall be
74 based upon his years of employment as defined in
75 section eight of this article and as provided in the state
76 minimum pay scale set forth in section eight-a of this
77 article and shall be in accordance with the salary
78 schedule of persons regularly employed in the same
79 position in the county in which he is employed.

80 Before any substitute service employee enters upon his
81 duties, he shall execute with the county board of
82 education a written contract as provided in section five,
83 article two of this chapter.

84 To establish a uniform system of providing a fair and
85 equitable opportunity for substitutes to enter upon their
86 duties for the first time, the following method shall be
87 used: The initial order of assigning newly employed
88 substitutes shall be determined by a random selection
89 system established by the affected substitute employees
90 and approved by the county board. This initial priority
91 order shall be in effect only until the substitute service
92 personnel have entered upon their duties for the first
93 time.

94 Substitute service employees who have worked thirty
95 days for a school system shall have all rights pertaining
96 to suspension, dismissal and contract renewal as is
97 granted to regular service personnel in sections six,
98 seven, eight and eight-a, article two of this chapter.

§18A-4-16. Extracurricular assignments.

- 1 (1) The assignment of teachers and service personnel
- 2 to extracurricular assignments shall be made only by

3 mutual agreement of the employee and the superintend-
4 ent, or designated representative, subject to board
5 approval. Extracurricular duties shall mean, but not be
6 limited to, any activities that occur at times other than
7 regularly scheduled working hours, which include the
8 instructing, coaching, chaperoning, escorting, providing
9 support services or caring for the needs of students, and
10 which occur on a regularly scheduled basis.

11 (2) The employee and the superintendent, or a
12 designated representative, subject to board approval,
13 shall mutually agree upon the maximum number of
14 hours of extracurricular assignment in each school year
15 for each extracurricular assignment.

16 (3) The terms and conditions of the agreement
17 between the employee and the board of education shall
18 be in writing and signed by both parties.

19 (4) An employee's contract of employment shall be
20 separate from the extracurricular assignment agree-
21 ment provided for in this section and shall not be
22 conditioned upon the employee's acceptance or continu-
23 ance of any extracurricular assignment proposed by the
24 superintendent, a designated representative, or the
25 board.

26 (5) The board of education shall fill extracurricular
27 and supplemental school service personnel assignments
28 and vacancies in accordance with section eight-b, article
29 four of this chapter: *Provided*, That an alternative
30 procedure for making extracurricular and supplemental
31 school service personnel assignments within a particular
32 classification category of employment may be utilized if
33 the alternative procedure is approved both by the county
34 board of education and by an affirmative vote of two
35 thirds of the employees within that classification
36 category of employment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



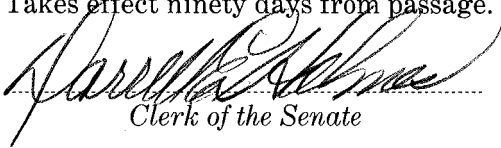
Chairman Senate Committee



Chairman House Committee

Originating in the House.

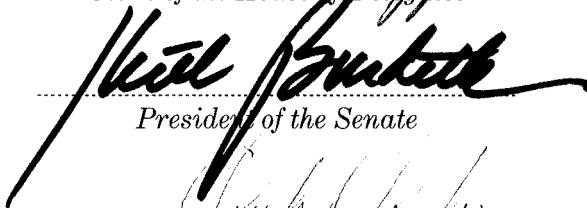
Takes effect ninety days from passage.



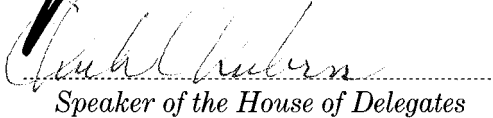
Clerk of the Senate



Clerk of the House of Delegates

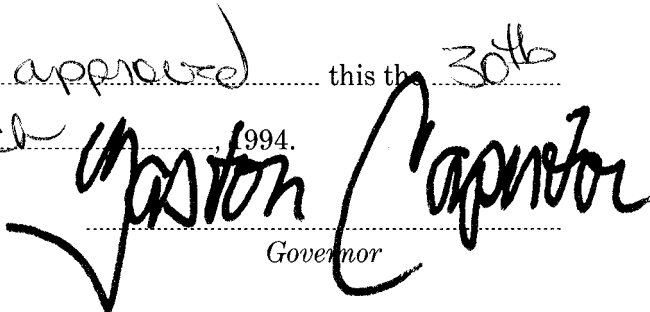


President of the Senate



Speaker of the House of Delegates

The within is approved this 30th day of March 1994.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/29/94

Time 11:41am