

FILED

2004 APR -7 P 3:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4297

(By Delegates Perry, Ennis, Cann,
Tabb, Crosier and Williams)



Passed March 12, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -7 P 3:09

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4297

(BY DELEGATES PERRY, ENNIS, CANN,
TABB, CROSIER AND WILLIAMS)

[Passed March 12, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §18A-4-8e of the code of West Virginia, 1931, as amended, relating to competency testing of service personnel; and clarifying that county board of education and superintendent may designate places for testing.

Be it enacted by the Legislature of West Virginia:

That §18A-4-8e of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8e. Competency testing for service personnel.

- 1 (a) The state board of education shall develop and cause to
- 2 be made available competency tests for all of the classification

3 titles defined in section eight and listed in section eight-a of this
4 article for service personnel. Each classification title defined
5 and listed is considered a separate classification category of
6 employment for service personnel and has a separate compe-
7 tency test, except for those class titles having Roman numeral
8 designations, which are considered a single classification of
9 employment and have a single competency test. The cafeteria
10 manager class title is included in the same classification
11 category as cooks and has the same competency test. The
12 executive secretary class title is included in the same classifica-
13 tion category as secretaries and has the same competency test.
14 The classification titles of chief mechanic, mechanic and
15 assistant mechanic are included in one classification title and
16 have the same competency test.

17 (b) The purpose of these tests is to provide county boards
18 of education a uniform means of determining whether school
19 service personnel employees who do not hold a classification
20 title in a particular category of employment meet the definition
21 of the classification title in another category of employment as
22 defined in section eight of this article. Competency tests may
23 not be used to evaluate employees who hold the classification
24 title in the category of their employment.

25 (c) The competency test consists of an objective written or
26 performance test, or both: *Provided*, That applicants have the
27 opportunity to take the written test orally if requested. Oral tests
28 are recorded mechanically and kept on file. The oral test is
29 administered by persons who do not know the applicant
30 personally. The performance test for all classifications and
31 categories other than bus operator is administered by an
32 employee of the county board of education at a location
33 designated by the superintendent and approved by the board.
34 The location may be a vocational school that serves the county.
35 A standard passing score is established by the state department
36 of education for each test and is used by county boards of

37 education. The subject matter of each competency test is
38 commensurate with the requirements of the definitions of the
39 classification titles as provided in section eight of this article.
40 The subject matter of each competency is designed in such a
41 manner that achieving a passing grade does not require knowl-
42 edge and skill in excess of the requirements of the definitions
43 of the classification titles. Achieving a passing score conclu-
44 sively demonstrates the qualification of an applicant for a
45 classification title. Once an employee passes the competency
46 test of a classification title, the applicant is fully qualified to fill
47 vacancies in that classification category of employment as
48 provided in section eight-b of this article and shall not be
49 required to take the competency test again.

50 (d) An applicant who fails to achieve a passing score is
51 given other opportunities to pass the competency test when
52 making application for another vacancy within the classification
53 category.

54 (e) Competency tests are administered to applicants in a
55 uniform manner under uniform testing conditions. County
56 boards of education are responsible for scheduling competency
57 tests, notifying applicants of the date and time of the one day of
58 training prior to taking the test and the date and time of the test.
59 County boards of education may not use a competency test
60 other than the test authorized by this section.

61 (f) When scheduling of the competency test conflicts with
62 the work schedule of a school employee who has applied for a
63 vacancy, the employee is excused from work to take the
64 competency test without loss of pay.

65 (g) A minimum of one day of appropriate in-service
66 training is provided to employees to assist them in preparing to
67 take the competency tests.

68 (h) Competency tests are used to determine the qualifica-
69 tion of new applicants seeking initial employment in a particu-
70 lar classification title as either a regular or substitute employee.

71 (i) Notwithstanding any provisions in this code to the
72 contrary, once an employee holds or has held a classification
73 title in a category of employment, that employee is considered
74 qualified for the classification title even though that employee
75 no longer holds that classification.

76 (j) The requirements of this section do not alter the defini-
77 tions of class titles as provided in section eight of this article or
78 the procedure and requirements of section eight-b of this article.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Clerk of the House of Delegates

Speaker of the House of Delegates

The within is approved this the 7th
day of April, 2004.

Governor

PRESENTED TO THE

GOVERNOR

DATE 10/3/22/09

TIME 10:05 AM