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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005

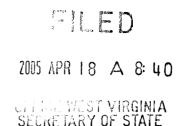
ENROLLED

House Bill No. 2527

(By Delegates Campbell, Williams, Perry and Beach)

Passed April 6, 2005

In Effect Ninety Days from Passage



ENROLLED

H. B. 2527

(BY DELEGATES CAMPBELL, WILLIAMS, PERRY AND BEACH)

[Passed April 6, 2005; 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 for service personnel; and authorizing employees of multicounty vocational school that serves county to administer tests.

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
- 2 to be made available competency tests for all of the classifica-
- 3 tion titles defined in section eight and listed in section eight-a
- 4 of this article for service personnel. Each classification title
- 5 defined and listed is considered a separate classification
- 6 category of employment for service personnel and has a
- 7 separate competency test, except for those class titles having

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- Roman numeral designations, which are considered a single
- 9 classification of employment and have a single competency
- 10 test. The cafeteria manager class title is included in the same
- classification category as cooks and has the same competency 11
- 12 test. The executive secretary class title is included in the same
- 13 classification category as secretaries and has the same compe-
- tency test. The classification titles of chief mechanic, mechanic 14
- and assistant mechanic are included in one classification title 15
- 16 and have the same competency test.

title in the category of their employment.

- 17 (b) The purpose of these tests is to provide county boards of education a uniform means of determining whether school 18 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
- 25 (c) The competency test consists of an objective written or 26 performance test, or both: Provided, That applicants have the opportunity to take the written test orally if requested. Oral tests 27 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 categories other than bus operator is administered by an employee of the county board of education or an employee of 32 33 a multi-county vocational school that serves the county at a 34 location designated by the Superintendent and approved by the 35 Board. The location may be a vocational school that serves the 36 county. A standard passing score is established by the State 37 Department of Education for each test and is used by county 38 boards of education. The subject matter of each competency test 39 is commensurate with the requirements of the definitions of the 40 classification titles as provided in section eight of this article. The subject matter of each competency test is designed in such

- 42 a manner that achieving a passing grade does not require
- 43 knowledge and skill in excess of the requirements of the
- 44 definitions of the classification titles. Achieving a passing score
- 45 conclusively demonstrates the qualification of an applicant for
- 46 a classification title. Once an employee passes the competency
- 47 test of a classification title, the applicant is fully qualified to fill
- 48 vacancies in that classification category of employment as
- 49 provided in section eight-b of this article and shall not be
- 50 required to take the competency test again.
- 51 (d) An applicant who fails to achieve a passing score is
- 52 given other opportunities to pass the competency test when
- 53 making application for another vacancy within the classification
- 54 category.
- (e) Competency tests are administered to applicants in a
- 56 uniform manner under uniform testing conditions. County
- 57 boards of education are responsible for scheduling competency
- 58 tests, notifying applicants of the date and time of the one day of
- 59 training prior to taking the test and the date and time of the test.
- 60 County boards of education may not use a competency test
- 61 other than the test authorized by this section.
- 62 (f) When scheduling of the competency test conflicts with
- 63 the work schedule of a school employee who has applied for a
- 64 vacancy, the employee is excused from work to take the
- 65 competency test without loss of pay.
- 66 (g) A minimum of one day of appropriate in-service
- 67 training is provided to employees to assist them in preparing to
- 68 take the competency tests.
- 69 (h) Competency tests are used to determine the qualifica-
- 70 tion of new applicants seeking initial employment in a particu-
- 71 lar classification title as either a regular or substitute employee.

- 72 (i) Notwithstanding any provisions in this code to the 73 contrary, once an employee holds or has held a classification 74 title in a category of employment, that employee is considered 75 qualified for the classification title even though that employee 76 no longer holds that classification.
- 77 (j) The requirements of this section do not alter the defini-78 tions of class titles as provided in section eight of this article or 79 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 Senate Committee Chairman House Committee
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Clerk of the Senate
Sugar A. Bay Clerk of the House of Delegates
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President of the Senate
toon Briss
Speaker of the House of Delegates
The within As Appured this the
day of, 2005.

PRESENTED TO THE GOVERNOR

Date

Time