

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 434**

4 (By Senators Plymale, Unger, Foster, Jenkins and Stollings)

5 _____
6 [Originating in the Committee on Education;
7 reported February 11, 2011.]
8 _____

9
10 A BILL to amend and reenact §18A-2-4 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a
12 and §18A-4-8b of said code, all relating to public education
13 service personnel; requiring county boards to bear the cost of
14 certification renewal for personnel with the class title of
15 educational sign language interpreter I or II under certain
16 conditions; declaring that time devoted to the process of
17 maintaining or acquiring certification that is a condition of
18 employment constitutes continuing education; deleting certain
19 defined class titles and including certain service personnel
20 employed under certain deleted class titles under other
21 existing class titles or new class titles; prohibiting
22 employment for the first time of a service person as a food
23 services supervisor after a certain date; allowing service
24 personnel classified as a foreman to be assigned work within
25 the classification; changing the class title graphic artist to
26 graphic designer and expanding definition; changing the class

1 title mail clerk to mail carrier; amending certain class title
2 definitions; adding new class titles and assigning pay grades;
3 amending pay grade for cafeteria manager; adding to the
4 minimum monthly pay of a service person classified as cook or
5 cafeteria manager for certain college hours in the area of
6 child nutrition; and amending class titles that are to be
7 considered as a single classification of employment.

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

9 That §18A-2-4 of the Code of West Virginia, 1931, as amended,
10 be amended and reenacted; and that §18A-4-8, §18A-4-8a and §18A-4-
11 8b of said code be amended and reenacted, all to read as follows:

12 **ARTICLE 2. SCHOOL PERSONNEL.**

13 **§18A-2-4. Commercial driver's license for school personnel;**
14 **intrastate waiver for bus operators diagnosed with**
15 **diabetes mellitus requiring insulin; reimbursement**
16 **of electrician's commercial driver's license and**
17 **educational sign language interpreter certification**
18 **when required.**

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

23 It is unlawful for any county board of education to require
24 any employee or applicant who becomes an employee of the board to
25 pay the cost of acquiring a commercial driver's license as a

1 condition of employment.

2 (b) The Division of Motor Vehicles shall accept the West
3 Virginia Department of Education physical and psychomotor test
4 result forms in lieu of the Division of Motor Vehicles vision
5 report form.

6 (c) A ~~school~~ Bus Operator who is currently employed by a
7 county board of education or who is otherwise subject to state
8 board rules governing ~~school~~ Bus Operators and who is diagnosed
9 with diabetes mellitus requiring insulin is not ineligible for
10 employment as a ~~school~~ Bus Operator because of the diagnosis if the
11 operator is issued a passenger endorsement for his or her
12 commercial driver license through the intrastate waiver program
13 pertaining to diabetes of the West Virginia Division of Motor
14 Vehicles, subject to the following:

15 (1) A copy of the information required to be submitted to the
16 Division of Motor Vehicles for waiver application and proof of
17 passenger endorsement under the waiver program is submitted to his
18 or her employer; and

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

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

1 (e) If an employee who is employed as an Educational Sign
2 Language Interpreter I or II is required to undertake any training
3 or continuing education in order to renew or maintain certification
4 as an Educational Sign Language Interpreter I or II, the cost of
5 the certification renewal shall be paid in full by the county
6 board.

7 (f) Time devoted to the process of maintaining or acquiring
8 certification, including instructional time, training and testing,
9 that is a condition of employment for a service person shall
10 constitute continuing education for meeting the annual continuing
11 education requirements required by state board rule.

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

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

20 **§18A-4-8. Employment term and class titles of service personnel;**
21 **definitions.**

22 (a) The purpose of this section is to establish an employment
23 term and class titles for service personnel. The employment term
24 for service personnel may not be less than ten months. A month is
25 defined as twenty employment days. The county board may contract

1 with all or part of these service personnel for a longer term. The
2 beginning and closing dates of the ten-month employment term may
3 not exceed forty-three weeks.

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

8 (c) Service personnel employed in the same classification for
9 more than the two hundred-day minimum employment term shall be paid
10 for additional employment at a daily rate of not less than the
11 daily rate paid for the two hundred-day minimum employment term.

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

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

23 (f) A custodian, aide, maintenance, office and school lunch
24 service person required to work a daily work schedule that is
25 interrupted shall be paid additional compensation in accordance
26 with this subsection.

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

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

9 (3) The additional compensation provided for in this
10 subsection:

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

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

15 (g) When there is a change in classification or when a service
16 person meets the requirements of an advanced classification, his or
17 her salary shall be made to comply with the requirements of this
18 article and any county salary schedule in excess of the minimum
19 requirements of this article, based upon the service person's
20 advanced classification and allowable years of employment.

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

26 (i) The column heads of the state minimum pay scale and class

1 titles, set forth in section eight-a of this article, are defined
2 as follows:

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

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

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

16 (4) "Accountant I" means a person employed to maintain payroll
17 records and reports and perform one or more operations relating to
18 a phase of the total payroll;

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

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

26 (7) "Accounts Payable Supervisor" means a person employed in

1 the county board office who has primary responsibility for the
2 accounts payable function and who either has completed twelve
3 college hours of accounting courses from an accredited institution
4 of higher education or has at least eight years of experience
5 performing progressively difficult accounting tasks.

6 Responsibilities of this class title may include supervision of
7 other personnel;

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

11 ~~(9) (8) "Aide II" means a service person referred to in the~~
12 ~~"Aide I" classification who has completed a training program~~
13 ~~approved by the state board, or who holds a high school diploma or~~
14 ~~has received a general educational development certificate. Only~~
15 ~~a person classified in an Aide II class title may be employed as an~~
16 ~~aide in any special education program~~ selected and trained as a
17 teacher-aide in such areas of responsibility as monitor aide,
18 clerical aide, classroom aide or general aide, subject to the
19 following:

20 (A) Any employee holding the Aide I classification title on
21 June 30, 2011, shall have that classification deleted from his or
22 her contract of employment and replaced with the classification
23 title of Aide II. This action does not require the employee to
24 take the aide competency test and does not result in a loss or
25 reduction of the employee's salary or supplement; and

26 (B) Seniority earned in the classification title of Aide I

1 prior to July 1, 2011, shall continue to be credited as seniority
2 earned in the aide classification category;

3 ~~(10)~~ (9) "Aide III" means a service person referred to in the
4 ~~"Aide I"~~ "Aide II" classification who holds a high school diploma
5 or a general educational development certificate; and

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

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

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

13 (A) Has completed eighteen hours of state board-approved
14 college credit at a regionally accredited institution of higher
15 education; or

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

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

24 ~~(13)~~ (11) "Auditor" means a person employed to examine and
25 verify accounts of individual schools and to assist schools and
26 school personnel in maintaining complete and accurate records of

1 their accounts;

2 ~~(14)~~ (12) "Autism Mentor" means a person who works with
3 autistic students and who meets standards and experience to be
4 determined by the state board. A person who has held or holds an
5 aide title and becomes employed as an Autism Mentor shall hold a
6 multiclassification status that includes both aide and Autism
7 Mentor titles, in accordance with section eight-b of this article;

8 ~~(15)~~ (13) "Braille or sign language Specialist" means a person
9 employed to provide braille and/or sign language assistance to
10 students. A service person who has held or holds an aide title and
11 becomes employed as a braille or sign language specialist shall
12 hold a multiclassification status that includes both aide and
13 braille or sign language specialist title, in accordance with
14 section eight-b of this article;

15 ~~(16)~~ (14) "Bus Operator" means a person employed to operate
16 school buses and other school transportation vehicles as provided
17 by the state board;

18 ~~(17)~~ (15) "Buyer" means a person employed to review and write
19 specifications, negotiate purchase bids and recommend purchase
20 agreements for materials and services that meet predetermined
21 specifications at the lowest available costs;

22 ~~(18)~~ (16) "Cabinetmaker" means a person employed to construct
23 cabinets, tables, bookcases and other furniture;

24 ~~(19)~~ (17) "Cafeteria Manager" means a person employed to
25 direct the operation of a food services program in a school,
26 including assigning duties to employees, approving requisitions for

1 supplies and repairs, keeping inventories, inspecting areas to
2 maintain high standards of sanitation, preparing financial reports
3 and keeping records pertinent to food services of a school;

4 ~~(20) "Carpenter I" means a person classified as a carpenter's~~
5 ~~helper;~~

6 ~~(21)~~ (18) "Carpenter II" means a person classified as a
7 journeyman carpenter, subject to the following:

8 (A) Any employee holding the classification title of Carpenter
9 I on June 30, 2011, shall have that class title deleted from his or
10 her contract of employment and replaced with the classification
11 title of Carpenter II. This action does not require the employee
12 to take the carpenter competency test and does not result in a loss
13 or reduction of the employee's salary or supplement; and

14 (B) Seniority earned in the classification title of Carpenter
15 I prior to July 1, 2011 shall be credited as seniority earned in
16 the carpenter classification category;

17 ~~(22)~~ (19) "Chief Mechanic" means a person employed to be
18 responsible for directing activities which ensure that student
19 transportation or other county board-owned vehicles are properly
20 and safely maintained;

21 ~~(23) "Clerk I" means a person employed to perform clerical~~
22 ~~tasks;~~

23 ~~(24)~~ (20) "Clerk II" means a person employed to perform
24 general clerical tasks, prepare reports and tabulations and operate
25 office machines, subject to the following:

26 (A) Any employee holding the classification title of Clerk I

1 on June 30, 2011, shall have that class title deleted from his or
2 her contract of employment and replaced with the classification
3 title of Clerk II. This action does not require the employee to
4 take the clerk competency test and does not result in a loss or
5 reduction of the employee's salary or supplement; and

6 (B) Seniority earned in the classification title of Clerk I
7 prior to July 1, 2011, shall be credited as seniority earned in the
8 clerk classification category;

9 ~~(25)~~ (21) "Computer Operator" means a qualified person
10 employed to operate computers;

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

12 ~~(27)~~ "Cook II" means a person employed to interpret menus and
13 ~~to prepare and serve meals in a food service program of a school.~~
14 ~~This definition includes a service person who has been employed as~~
15 ~~a "Cook I" for a period of four years~~

16 ~~(28)~~ "Cook III" means a person employed to prepare and serve
17 ~~meals, make reports, prepare requisitions for supplies, order~~
18 ~~equipment and repairs for a food service program of a school~~
19 ~~system;~~

20 (22) "Cook" means a person employed to prepare and serve meals
21 and to make reports, prepare requisitions for supplies, order
22 equipment and repairs for a food service program of a school system
23 under the direction of a cafeteria manager, subject to the
24 following:

25 (A) Any employee holding the classification title of Cook I,
26 II or III on June 30, 2011, shall have that class title deleted

1 from his or her contract of employment and replaced with the
2 classification title of Cook. This action does not require the
3 employee to take the Cook competency test and does not result in a
4 loss or reduction of the employee's salary or supplement; and

5 (B) Seniority earned in the classification title of Cook I, II
6 or III prior to July 1, 2011 shall be credited as seniority earned
7 in the Cook classification category;;

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

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

13 ~~(31)~~ (23) "Custodian II" means a person employed as a watchman
14 or groundsman to keep buildings clean and free of refuse, to
15 ensure that school buildings and grounds are secure and to maintain
16 the grounds of the facility to which the employee is assigned,
17 subject to the following:

18 (A) Any employee holding the classification title of Custodian
19 I on June 30, 2011, shall have that class title deleted from his or
20 her contract of employment and replaced with the classification
21 title of Custodian II. This action does not require the employee
22 to take the custodian competency test and does not result in a loss
23 or reduction of the employee's salary or supplement; and

24 (B) Seniority earned in the classification titles of Custodian
25 I prior to July 1, 2011, shall continue to be credited as seniority
26 earned in the custodian classification category;

1 ~~(32)~~ (24) "Custodian III" means a person employed to keep
2 buildings clean and free of refuse, to operate the heating or
3 cooling systems and to make minor repairs;

4 ~~(33)~~ (25) "Custodian IV" means a person employed as head
5 custodian. In addition to providing services as defined in
6 "custodian III," duties may include supervising other custodian
7 personnel;

8 ~~(34)~~ (26) "Director or Coordinator of Services" means an
9 employee of a county board who is assigned to direct a department
10 or division.

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

13 (B) Professional personnel holding this class title may not be
14 defined or classified as service personnel unless the professional
15 person held a service personnel title under this section prior to
16 holding the class title of "Director or Coordinator of Services."

17 (C) The Director or Coordinator of Services shall be
18 classified either as a professional person or a service person for
19 state aid formula funding purposes;

20 (D) Funding for the position of Director or Coordinator of
21 Services is based upon the employment status of the director or
22 coordinator either as a professional person or a service person;
23 and

24 (E) A person employed under the class title "Director or
25 Coordinator of Services" may not be exclusively assigned to perform
26 the duties ascribed to any other class title as defined in this

1 subsection: *Provided*, That nothing in this paragraph prohibits a
2 person in this position from being multiclassified;

3 ~~(35)~~ (27) "Draftsman" means a person employed to plan, design
4 and produce detailed architectural/engineering drawings;

5 (28) "Educational Sign Language Interpreter I" means a person
6 employed by a county board or a regional education service agency
7 to provide sign language interpretation, both receptively and
8 expressively, for students who are deaf or hard of hearing, are
9 able to access environments through audition, and use signed
10 communication systems as a supplement to the communication process.

11 An Educational Sign Language Interpreter I is a related service
12 provider and a professional member of the education team, fluent in
13 the languages used by deaf, hard of hearing and hearing persons,
14 who works with the team to implement the IEP. The educational
15 interpreter uses signed communication systems and spoken languages
16 in public school settings for purposes of providing students with
17 access to the general curriculum, classroom dynamics,
18 extracurricular activities and social interactions. The duties of
19 this employee shall include, but not be limited to, facilitating
20 communication between spoken and signed languages for and between
21 deaf or hard of hearing students and faculty, staff and other
22 students. Employees within this classification title must meet the
23 requirements for initial certification as a
24 paraprofessional/education interpreter as provided by state board
25 rule.

26 (29) "Educational Sign Language Interpreter II" means a person

1 employed by a county board or a regional education service agency
2 to provide sign language interpretation, both receptively and
3 expressively, for students who are deaf or hard of hearing, are not
4 able to access the environment through audition and use signed
5 communication systems as the sole or primary means of
6 communication. An Educational Sign Language Interpreter II is a
7 related service provider and a professional member of the education
8 team, fluent in the languages used by deaf, hard of hearing and
9 hearing persons, who works with the team to implement the IEP. The
10 educational interpreter uses signed communication systems and
11 spoken languages in public school settings for purposes of
12 providing students with access to the general curriculum, classroom
13 dynamics, extracurricular activities, and social interactions. The
14 duties of this employee include, but are not limited to,
15 facilitating communication between spoken and signed languages for
16 and between deaf or hard of hearing students and faculty, staff and
17 other students. Employees within this classification title must
18 meet the requirements for permanent certification as a
19 paraprofessional/education interpreter as provided by state board
20 rule;

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

24 ~~(37)~~ (30) "Electrician II" means a person employed as an
25 electrician journeyman or one who holds a journeyman electrician
26 license issued by the State Fire Marshal, subject to the following:

1 (A) Any employee holding the classification titles of
2 Electrician I on June 30, 2011 shall have that class title deleted
3 from his or her contract of employment and replaced with the
4 classification title of Electrician II. This action does not
5 require the employee to take the electrician competency test or to
6 obtain any additional licensure. This action does not result in a
7 loss or reduction of the employee's salary or supplement;

8 (B) Seniority earned in the classification titles of
9 Electrician I prior to July 1, 2011 shall continue to be credited
10 as seniority earned in the electrician classification category;

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

13 ~~(39) "Electronic technician II" means a person employed at the~~
14 ~~journeyman level to repair and maintain electronic equipment;~~

15 ~~(40)~~ (31) "Executive Secretary" means a person employed as
16 secretary to the county school superintendent or as a secretary who
17 is assigned to a position characterized by significant
18 administrative duties;

19 ~~(41)~~ (32) "Food Services Supervisor" means a qualified person
20 who is not a professional person or professional educator as
21 defined in section one, article one of this chapter. The Food
22 Services Supervisor is employed to manage and supervise a county
23 school system's food service program. The duties include preparing
24 in-service training programs for cooks and food service employees,
25 instructing personnel in the areas of quantity cooking with economy
26 and efficiency and keeping aggregate records and reports:

1 Provided, That after June 30, 2011, no employee may be employed as
2 a Food Services Supervisor for the first time. An employee who
3 holds this classification retains the classification at the same
4 pay grade as provided by section eight-a of this article and an
5 employee who previously held that classification retains the
6 seniority earned in that classification category;

7 ~~(42)~~ (33) "Foreman" means a skilled person employed to
8 supervise personnel who work in the areas of repair and maintenance
9 of school property and equipment, subject to the following:

10 (A) Nothing in this definition prohibits a service person
11 classified as a Foreman from being assigned work within the
12 classification in addition to supervision of other employees;

13 (B) Any employee holding the classification title of Crew
14 Leader on June 30, 2011, shall have that class title deleted from
15 his or her contract of employment and replaced with the
16 classification title of Foreman. This action does not require the
17 employee to take the foreman competency test and does not result in
18 a loss or reduction of the employee's salary or supplement;

19 (C) Seniority earned in the classification titles of Crew
20 Leader prior to July 1, 2011, shall be credited as seniority earned
21 in the Foreman classification category;

22 ~~(43)~~ (34) "General Maintenance" means a person employed as a
23 helper to skilled maintenance employees, ~~and~~ to perform minor
24 repairs to equipment and buildings of a county school system, to
25 perform routine manual tasks in any operation of the county school
26 system, to replace glass or other materials in windows and doors

1 and to do minor carpentry tasks, to maintain the appearance, repair
2 and general care of school grounds in a county school system and to
3 protect school property against damage or theft, subject to the
4 following:

5 (A) Any employee holding the classification title of
6 Groundsman, Handyman, Glazier or Watchman on June 30, 2011 shall
7 have that class title deleted from his or her contract of
8 employment and replaced with the classification title of General
9 Maintenance. This action does not require the employee to take the
10 general maintenance competency test and does not result in a loss
11 or reduction of the employee's salary or supplement; and

12 (B) Seniority earned in the classification titles of
13 Groundsman, Handyman, Glazier or Watchman prior to July 1, 2011,
14 shall be credited as seniority earned in the General Maintenance
15 classification category;

16 ~~(44) "Glazier" means a person employed to replace glass or~~
17 ~~other materials in windows and doors and to do minor carpentry~~
18 ~~tasks;~~

19 (35) "Graphic Communications Operator" means a person employed
20 to operate and maintain printing equipment and to prepare and
21 distribute materials, subject to the following:

22 (A) Any employee holding the classification title of Printing
23 Operator or Printing Supervisor on June 30, 2011 shall have that
24 class title deleted from his or her contract of employment and
25 replaced with the classification title of Graphic Communication
26 Operator. This action does not require the employee to take the

1 Graphic Communications Operator competency test and does not result
2 in a loss or reduction of the employee's salary or supplement; and

3 (B) Seniority earned in the classification titles of Printing
4 Operator or Printing Supervisor prior to July 1, 2011, shall be
5 credited as seniority earned in the Graphic Communications Operator
6 classification category;

7 ~~(45)~~ (36) "Graphic artist Designer" means a person employed to
8 prepare graphic illustrations and communications using color type,
9 illustration, photography, animation, various print and layout
10 techniques for print and other media including web publications;

11 ~~(46) "Groundsman"~~ means ~~a person employed to perform duties~~
12 ~~that relate to the appearance, repair and general care of school~~
13 ~~grounds in a county school system. Additional assignments may~~
14 ~~include the operation of a small heating plant and routine cleaning~~
15 ~~duties in buildings;~~

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

18 ~~(48) "Heating and air conditioning mechanic I"~~ means ~~a person~~
19 ~~employed at the apprentice level to install, repair and maintain~~
20 ~~heating and air conditioning plants and related electrical~~
21 ~~equipment;~~

22 ~~(49)~~ (37) "Heating and Air Conditioning Mechanic II" means a
23 person employed at the journeyman level to install, repair and
24 maintain heating and air conditioning plants and related electrical
25 equipment, subject to the following:

26 (A) Any employee holding the classification titles of Heating

1 and Air Conditioning Mechanic I on June 30, 2011, shall have that
2 class title deleted from his or her contract of employment and
3 replaced with the classification title of Heating and Air Condition
4 Mechanic II. This action does not require the employee to take the
5 heating and air conditioning mechanic competency test and does not
6 require the employee to acquire any additional licensure. This
7 action also does not result in a loss or reduction of the
8 employee's salary or supplement; and

9 (B) Seniority earned in the classification titles of Heating
10 and Air Conditioning Mechanic I prior to July, 2001, shall continue
11 to be credited as seniority earned in heating and air conditioning
12 mechanic classification category;

13 ~~(50)~~ (38) "Heavy Equipment Operator" means a person employed
14 to operate heavy equipment;

15 ~~(51)~~ (39) "Inventory Supervisor" means a person employed to
16 supervise or maintain operations in the receipt, storage, inventory
17 and issuance of materials and supplies;

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

20 ~~(53)~~ (40) "Licensed Practical Nurse" means a nurse, licensed
21 by the West Virginia Board of Examiners for Licensed Practical
22 Nurses, employed to work in a public school under the supervision
23 of a school nurse;

24 ~~(54)~~ (41) "Locksmith" means a person employed to repair and
25 maintain locks and safes;

26 ~~(55)~~ "Lubrication man" means a person employed to lubricate

1 ~~and service gasoline or diesel-powered equipment of a county school~~
2 ~~system;~~

3 ~~(56)~~ (42) "Machinist" means a person employed to perform
4 machinist tasks which include the ability to operate a lathe,
5 planer, shaper, threading machine and wheel press. A person
6 holding this class title also should have the ability to work from
7 blueprints and drawings;

8 ~~(57)~~ (43) "Mail ~~clerk~~ Courier" means a person employed to
9 receive, sort, dispatch, deliver or otherwise handle letters,
10 parcels and other mail, subject to the following:

11 (A) Any employee holding the classification title of Mail Clerk
12 on June 30, 2011, shall have that class title deleted from his or
13 her contract of employment and replaced with the classification
14 title of Mail Courier. This action does not require the employee
15 to take the Mail Courier competency test and does not result in a
16 loss or reduction of the employee's salary or supplement; and

17 (B) Seniority earned in the classification title of Mail Clerk
18 prior to July 1, 2011, shall be credited as seniority earned in the
19 Mail Courier classification category;

20 ~~(58) "Maintenance clerk" means a person employed to maintain~~
21 ~~and control a stocking facility to keep adequate tools and supplies~~
22 ~~on hand for daily withdrawal for all school maintenance crafts;~~

23 ~~(59)~~ (44) "Mason" means a person employed to perform tasks
24 connected with brick and block laying and carpentry tasks related
25 to these activities;

26 ~~(60)~~ (45) "Mechanic" means a person employed to perform

1 skilled duties independently in the maintenance and repair of
2 automobiles, school buses and other mechanical and mobile equipment
3 to use in a county school system, subject to the following:

4 (A) Any employee holding the classification titles of
5 Lubrication Man or Mechanic Assistant on June 30, 2011, shall have
6 that class title deleted from his or her contract of employment and
7 replaced with the classification title of Mechanic. This action
8 does not require the employee to take the Mechanic competency test
9 and does not result in a loss or reduction of the employee's salary
10 or supplement; and

11 (B) Seniority earned in the classification titles of
12 Lubrication Man and Mechanic Assistant prior to July 1, 2011, shall
13 be credited as seniority earned in the Mechanic classification
14 category;

15 ~~(61) "Mechanic assistant" means a person employed as a~~
16 ~~mechanic apprentice and helper;~~

17 ~~(62)~~ (46) "Multiclassification" means a person employed to
18 perform tasks that involve the combination of two or more class
19 titles in this section. In these instances the minimum salary
20 scale shall be the higher pay grade of the class titles involved;

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

23 ~~(64) "Office equipment repairman II" means a person~~
24 ~~responsible for servicing and repairing all office machines and~~
25 ~~equipment. A person holding this class title is responsible for~~
26 ~~the purchase of parts necessary for the proper operation of a~~

1 ~~program of continuous maintenance and repair;~~

2 ~~(65)~~ (47) "Painter" means a person employed to perform duties
3 painting, finishing and decorating wood, metal and concrete
4 surfaces of buildings, other structures, equipment, machinery and
5 furnishings of a county school system;

6 ~~(66)~~ (48) "Paraprofessional" means a person certified pursuant
7 to section two-a, article three of this chapter to perform duties
8 in a support capacity including, but not limited to, facilitating
9 in the instruction and direct or indirect supervision of students
10 under the direction of a principal, a teacher or another designated
11 professional educator.

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

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

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

25 ~~(67)~~ (49) "Payroll Supervisor" means a person employed in the
26 county board office who has primary responsibility for the payroll

1 function and who either has completed twelve college hours of
2 accounting from an accredited institution of higher education or
3 has at least eight years of experience performing progressively
4 difficult accounting tasks. Responsibilities of this class title
5 may include supervision of other personnel;

6 ~~(68) "Plumber I" means a person employed as an apprentice~~
7 ~~plumber and helper;~~

8 ~~(69)~~ (50) "Plumber II" means a person employed as a journeyman
9 plumber to provide general repair, maintenance and installation of
10 utility lines and systems necessary for heat, water and sewage
11 disposal in school system facilities for the efficient maintenance
12 and preventive maintenance of school system plans, subject to the
13 following:

14 (A) Any employee holding the classification titles of Plumber
15 I on June 30, 2011, shall have that class title deleted from his or
16 her contract of employment and replaced with the classification
17 title of Plumber II. This action does not require the employee to
18 take the plumber competency test and does not require the employee
19 to acquire any additional licensure. This action also does not
20 result in a loss or reduction of the employee's salary or
21 supplement; and

22 (B) Seniority earned in the classification title of Plumber I
23 prior to July 1, 2011, shall continue to be credited as seniority
24 earned in the plumber classification category;

25 ~~(70) "Printing operator" means a person employed to operate~~
26 ~~duplication equipment, and to cut, collate, staple, bind and shelve~~

1 ~~materials as required;~~

2 ~~(71) "Printing supervisor" means a person employed to~~
3 ~~supervise the operation of a print shop;~~

4 ~~(72)~~ (51) "Programmer" means a person employed to design and
5 prepare programs for computer operation;

6 ~~(73)~~ (52) "Roofing/Sheet Metal Mechanic" means a person
7 employed to install, repair, fabricate and maintain roofs, gutters,
8 flashing and duct work for heating and ventilation;

9 ~~(74)~~ (53) "Sanitation Plant Operator" means a person employed
10 to operate and maintain a water or sewage treatment plant to ensure
11 the safety of the plant's effluent for human consumption or
12 environmental protection;

13 ~~(75)~~ (54) "School Bus Supervisor" means a qualified person:

14 (A) Employed to assist in selecting ~~school~~ Bus Operators and
15 routing and scheduling school buses, operate a bus when needed,
16 relay instructions to bus operators, plan emergency routing of
17 buses and promote good relationships with parents, students, bus
18 operators and other employees; and

19 (B) Certified to operate a bus or previously certified to
20 operate a bus;

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

24 ~~(77)~~ (55) "Secretary II" means a person employed in any
25 elementary, secondary, kindergarten, nursery, special education,
26 ~~vocational~~ career or technical or any other school as a secretary.

1 The duties may include performing general clerical tasks;
2 transcribing from notes, audio and/or electronic ~~stenotype,~~
3 ~~mechanical~~ equipment; ~~or a sound-producing machine~~ preparing
4 reports; receiving callers and referring them to proper persons;
5 operating switchboard equipment; operating office machines; keeping
6 records and handling routine correspondence. Nothing in this
7 subdivision prevents a service person from holding or being
8 elevated to a higher classification.

9 (A) Any employee holding the classification title of Secretary
10 I or Switchboard Operator-Receptionist on June 30, 2011, shall have
11 that class title deleted from his or her contract of employment and
12 the classification title of Secretary II added to his or her
13 contract of employment. This action will not require the employee
14 to take the secretary competency test and shall not result in a
15 loss or reduction of salary or supplement by the employee.

16 (B) Seniority earned in the classification titles of Secretary
17 I or Switchboard Operator-Receptionist prior to July 1, 2011, shall
18 be credited as seniority earned in the Secretary classification
19 category;

20 ~~(78)~~ (56) "Secretary III" means a person assigned to the
21 county board office administrators in charge of various
22 instructional, maintenance, transportation, food services,
23 operations and health departments, federal programs or departments
24 with particular responsibilities in purchasing and financial
25 control or any person who has served for eight years in a position
26 which meets the definition of "secretary II" or "secretary III";

1 ~~(79)~~ (57) "Supervisor of Maintenance" means a skilled person
2 who is not a professional person or professional educator as
3 defined in section one, article one of this chapter. The
4 responsibilities include directing the upkeep of buildings and
5 shops, and issuing instructions to subordinates relating to
6 cleaning, repairs and maintenance of all structures and mechanical
7 and electrical equipment of a county board;

8 ~~(80)~~ (58) "Supervisor of Transportation" means a qualified
9 person employed to direct school transportation activities properly
10 and safely, and to supervise the maintenance and repair of
11 vehicles, buses and other mechanical and mobile equipment used by
12 the county school system. After July 1, 2010, all persons employed
13 for the first time in a position with this classification title or
14 in a multiclassification position that includes this title shall
15 have five years of experience working in the transportation
16 department of a county board. Experience working in the
17 transportation department shall consist of serving as a Bus
18 Operator, bus aide, assistant mechanic, Mechanic, Chief Mechanic or
19 in a clerical position within the transportation department;

20 ~~(81) "Switchboard operator-receptionist" means a person~~
21 ~~employed to refer incoming calls, to assume contact with the~~
22 ~~public, to direct and to give instructions as necessary, to operate~~
23 ~~switchboard equipment and to provide clerical assistance;~~

24 (59) "Technology System Specialist" means a qualified person
25 employed to perform hands-on repair, service, maintenance and
26 installation of local area networks, servers, computers, computer

1 work stations, printers, computer related equipment, computer
2 related systems, computer related technologies and other office
3 electronic equipment used in the areas of data sharing,
4 communication, printing, visual teaching aids and security in the
5 school system, subject to the following:

6 (A) Any employee holding the classification title of
7 Audiovisual Technician, Electronic Technician I or II, Office
8 Equipment Repairman I or Office Equipment Repairman II on June 30,
9 2011 shall have that class title deleted from his or her contract
10 of employment and replaced with the classification title of
11 Technology System Specialist. This action does not require the
12 employee to take the Technology Systems Specialist competency test
13 and does not result in a loss or reduction of the employee's salary
14 or supplement; and

15 (B) Seniority earned in the classification titles of
16 Audiovisual Technician, Electronic Technician I or Electronic
17 Technician II, Office Equipment Repairman I or Office Equipment
18 Repairman II prior to July 1, 2011, shall be credited as seniority
19 earned in the Technology Systems Specialist classification
20 category;

21 ~~(82)~~ (60) "Truck Driver" means a person employed to operate
22 light or heavy duty gasoline and diesel-powered vehicles;

23 ~~(83)~~ (61) "Warehouse Clerk" means a person employed to be
24 responsible for receiving, storing, packing and shipping goods,
25 subject to the following:

26 (A) Any employee holding the classification title of

1 Maintenance Clerk on June 30, 2011, shall have that class title
2 deleted from his or her contract of employment and replaced with
3 the classification title of Warehouse Clerk. This action does not
4 require the employee to take the Warehouse Clerk competency test
5 and does not result in a loss or reduction of the employee's salary
6 or supplement; and

7 (B) Seniority earned in the classification titles of
8 Maintenance Clerk prior to July 1, 2011, shall be credited as
9 seniority earned in the Warehouse Clerk classification category;
10 and

11 ~~(84) "Watchman" means a person employed to protect school~~
12 ~~property against damage or theft. Additional assignments may~~
13 ~~include operation of a small heating plant and routine cleaning~~
14 ~~duties;~~

15 ~~(85)~~ (62) "Welder" means a person employed to provide
16 acetylene or electric welding services for a school system. ~~and~~

17 ~~(86) "WVEIS data entry and administrative clerk" means a~~
18 ~~person employed to work under the direction of a school principal~~
19 ~~to assist the school counselor or counselors in the performance of~~
20 ~~administrative duties, to perform data entry tasks on the West~~
21 ~~Virginia Education Information System, and to perform other~~
22 ~~administrative duties assigned by the principal.~~

23 (j) Notwithstanding any provision in this code to the
24 contrary, and in addition to the compensation provided for service
25 personnel in section eight-a of this article, each service person
26 is entitled to all service personnel employee rights, privileges

1 and benefits provided under this or any other chapter of this code
2 without regard to the employee's hours of employment or the methods
3 or sources of compensation.

4 (k) A service person whose years of employment exceeds the
5 number of years shown and provided for under the state minimum pay
6 scale set forth in section eight-a of this article may not be paid
7 less than the amount shown for the maximum years of employment
8 shown and provided for in the classification in which he or she is
9 employed.

10 (l) Each county board shall review each service person's job
11 classification annually and shall reclassify all service persons as
12 required by the job classifications. The state superintendent may
13 withhold state funds appropriated pursuant to this article for
14 salaries for service personnel who are improperly classified by the
15 county boards. Further, the state superintendent shall order a
16 county board to correct immediately any improper classification
17 matter and, with the assistance of the Attorney General, shall take
18 any legal action necessary against any county board to enforce the
19 order.

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

22 (1) Reclassified by class title; or

23 (2) Relegated to any condition of employment which would
24 result in a reduction of his or her salary, rate of pay,
25 compensation or benefits earned during the current fiscal year; or
26 for which he or she would qualify by continuing in the same job

1 position and classification held during that fiscal year and
2 subsequent years.

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

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

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

20 (q) Without the written consent of the service person, a
21 county board may not establish the beginning work station for a bus
22 operator or transportation aide at any site other than a county
23 board-owned facility with available parking. The workday of the
24 bus operator or transportation aide commences at the bus at the
25 designated beginning work station and ends when the employee is
26 able to leave the bus at the designated beginning work station,

1 unless he or she agrees otherwise in writing. The application or
2 acceptance of a posted position may not be construed as the written
3 consent referred to in this subsection.

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

23 **§18A-4-8a. Service personnel minimum monthly salaries.**

24 (a) The minimum monthly pay for each service employee whose
25 employment is for a period of more than three and one-half hours a
26 day shall be at least the amounts indicated in the state minimum

1 pay scale pay grade and the minimum monthly pay for each service
 2 employee whose employment is for a period of three and one-half
 3 hours or less a day shall be at least one-half the amount indicated
 4 in the state minimum pay scale pay grade set forth in this section.

5 **STATE MINIMUM PAY SCALE PAY GRADE**

6	Years	PAY GRADE							
7	Exp.	A	B	C	D	E	F	G	H
8	0	1,577	1,598	1,639	1,691	1,743	1,805	1,836	1,908
9	1	1,609	1,630	1,671	1,723	1,775	1,837	1,868	1,940
10	2	1,641	1,662	1,703	1,755	1,807	1,869	1,900	1,972
11	3	1,673	1,694	1,735	1,787	1,839	1,901	1,932	2,004
12	4	1,705	1,726	1,767	1,819	1,871	1,933	1,964	2,037
13	5	1,737	1,758	1,799	1,851	1,903	1,965	1,996	2,069
14	6	1,769	1,790	1,832	1,883	1,935	1,997	2,028	2,101
15	7	1,802	1,822	1,864	1,915	1,967	2,029	2,060	2,133
16	8	1,834	1,854	1,896	1,947	1,999	2,061	2,092	2,165
17	9	1,866	1,886	1,928	1,980	2,031	2,093	2,124	2,197
18	10	1,898	1,919	1,960	2,012	2,063	2,126	2,157	2,229
19	11	1,930	1,951	1,992	2,044	2,095	2,158	2,189	2,261
20	12	1,962	1,983	2,024	2,076	2,128	2,190	2,221	2,293
21	13	1,994	2,015	2,056	2,108	2,160	2,222	2,253	2,325
22	14	2,026	2,047	2,088	2,140	2,192	2,254	2,285	2,357
23	15	2,058	2,079	2,120	2,172	2,224	2,286	2,317	2,389
24	16	2,090	2,111	2,152	2,204	2,256	2,318	2,349	2,422
25	17	2,122	2,143	2,185	2,236	2,288	2,350	2,381	2,454
26	18	2,154	2,175	2,217	2,268	2,320	2,382	2,413	2,486
27	19	2,187	2,207	2,249	2,300	2,352	2,414	2,445	2,518
28	20	2,219	2,239	2,281	2,333	2,384	2,446	2,477	2,550
29	21	2,251	2,271	2,313	2,365	2,416	2,478	2,509	2,582

1	22	2,283	2,304	2,345	2,397	2,448	2,511	2,542	2,614
2	23	2,315	2,336	2,377	2,429	2,481	2,543	2,574	2,646
3	24	2,347	2,368	2,409	2,461	2,513	2,575	2,606	2,678
4	25	2,379	2,400	2,441	2,493	2,545	2,607	2,638	2,710
5	26	2,411	2,432	2,473	2,525	2,577	2,639	2,670	2,742
6	27	2,443	2,464	2,505	2,557	2,609	2,671	2,702	2,774
7	28	2,475	2,496	2,537	2,589	2,641	2,703	2,734	2,807
8	29	2,507	2,528	2,570	2,621	2,673	2,735	2,766	2,839
9	30	2,540	2,560	2,602	2,653	2,705	2,767	2,798	2,871
10	31	2,572	2,592	2,634	2,685	2,737	2,799	2,830	2,903
11	32	2,604	2,624	2,666	2,718	2,769	2,831	2,862	2,935
12	33	2,636	2,656	2,698	2,750	2,801	2,863	2,895	2,967
13	34	2,668	2,689	2,730	2,782	2,833	2,896	2,927	2,999
14	35	2,700	2,721	2,762	2,814	2,866	2,928	2,959	3,031
15	36	2,732	2,753	2,794	2,846	2,898	2,960	2,991	3,063
16	37	2,764	2,785	2,826	2,878	2,930	2,992	3,023	3,095
17	38	2,796	2,817	2,858	2,910	2,962	3,024	3,055	3,127
18	39	2,828	2,849	2,890	2,942	2,994	3,056	3,087	3,159
19	40	2,860	2,881	2,922	2,974	3,026	3,088	3,119	3,192

20	(Class Title)	Pay Grade
21	Accountant I	D
22	Accountant II	E
23	Accountant III	F
24	Accounts Payable Supervisor	G
25	Aide I	A
26	Aide II	B
27	Aide III	C
28	Aide IV	D

1	Audiovisual Technician	C
2	Auditor	G
3	Autism Mentor	F
4	Braille or Sign Language Specialist	E
5	Bus Operator	D
6	Buyer	F
7	Cabinetmaker	G
8	Cafeteria Manager	D F
9	Carpenter I	E
10	Carpenter II	F
11	Chief Mechanic	G
12	Clerk I	B
13	Clerk II.....	C
14	Computer Operator	E
15	Cook I	A
16	Cook II	B
17	Cook III	C
18	<u>Cook</u>	D
19	Crew Leader	F
20	Custodian I	A
21	Custodian II	B
22	Custodian III	C
23	Custodian IV	D
24	Director or Coordinator of Services	H
25	Draftsman	D
26	<u>Educational Sign Language Interpreter I</u>	F

1	<u>Educational Sign Language Interpreter II</u>	G
2	Electrician I	F
3	Electrician II	G
4	Electronic Technician I	F
5	Electronic Technician II	G
6	Executive Secretary	G
7	Food Services Supervisor	G
8	Foreman	G
9	General Maintenance	C
10	Glazier	D
11	<u>Graphic Communication Operator</u>	G
12	Graphic Artist <u>Designer</u>	D
13	Groundsman	B
14	Handyman	B
15	Heating and Air Conditioning Mechanic I	E
16	Heating and Air Conditioning Mechanic II	G
17	Heavy Equipment Operator	E
18	Inventory Supervisor	D
19	Key Punch Operator	B
20	Licensed Practical Nurse	F
21	Locksmith	G
22	Lubrication Man	C
23	Machinist	F
24	Mail Clerk <u>Courier</u>	D
25	Maintenance Clerk	C
26	Mason	G

1	Mechanic	F
2	Mechanic Assistant	E
3	Office Equipment Repairman I	F
4	Office Equipment Repairman II	G
5	Painter	E
6	Paraprofessional	F
7	Payroll Supervisor	G
8	Plumber I	E
9	Plumber II	G
10	Printing Operator	B
11	Printing Supervisor	D
12	Programmer	H
13	Roofing/Sheet Metal Mechanic	F
14	Sanitation Plant Operator	G
15	School Bus Supervisor	E
16	Secretary I	D
17	Secretary II	E
18	Secretary III	F
19	Supervisor of Maintenance	H
20	Supervisor of Transportation	H
21	Switchboard Operator-Receptionist	D
22	<u>Technology System Specialist</u>	<u>G</u>
23	Truck Driver	D
24	Warehouse Clerk	C
25	Watchman	B
26	Welder	F

2 (b) An additional \$12 per month shall be added to the minimum
3 monthly pay of each service employee who holds a high school
4 diploma or its equivalent.

5 (c) An additional \$11 per month also shall be added to the
6 minimum monthly pay of each service employee for each of the
7 following:

8 (1) A service employee who holds twelve college hours or
9 comparable credit obtained in a trade or vocational school as
10 approved by the state board;

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

14 (3) A service employee who holds thirty-six college hours or
15 comparable credit obtained in a trade or vocational school as
16 approved by the state board;

17 (4) A service employee who holds forty-eight college hours or
18 comparable credit obtained in a trade or vocational school as
19 approved by the state board;

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

23 (6) A service employee who holds seventy-two college hours or
24 comparable credit obtained in a trade or vocational school as
25 approved by the state board;

26 (7) A service employee who holds eighty-four college hours or

1 comparable credit obtained in a trade or vocational school as
2 approved by the state board;

3 (8) A service employee who holds ninety-six college hours or
4 comparable credit obtained in a trade or vocational school as
5 approved by the state board;

6 (9) A service employee who holds one hundred eight college
7 hours or comparable credit obtained in a trade or vocational school
8 as approved by the state board;

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

12 (d) An additional \$40 per month also shall be added to the
13 minimum monthly pay of each service employee for each of the
14 following:

15 (1) A service employee who holds an associate's degree;

16 (2) A service employee who holds a bachelor's degree;

17 (3) A service employee who holds a master's degree;

18 (4) A service employee who holds a doctorate degree.

19 (e) An additional \$11 per month shall be added to the minimum
20 monthly pay of each service employee for each of the following:

21 (1) A service employee who holds a bachelor's degree plus
22 fifteen college hours;

23 (2) A service employee who holds a master's degree plus
24 fifteen college hours;

25 (3) A service employee who holds a master's degree plus thirty
26 college hours;

1 (4) A service employee who holds a master's degree plus forty-
2 five college hours; and

3 (5) A service employee who holds a master's degree plus sixty
4 college hours.

5 (f) An additional \$20 per month shall be added to the minimum
6 monthly pay of each service person classified as a Cook or
7 Cafeteria Manager, either as a single classification title or as
8 part of a multiclassification title who holds three college hours
9 in the area of child nutrition as approved by the West Virginia
10 Department of Education: Provided, That cooks and cafeteria
11 managers shall be paid \$20 per month for each additional three
12 hours of college credit up to a total of twelve college hours or
13 \$80 per month;

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

19 ~~(g)~~ (h) Any service employee required to work on any legal
20 school holiday shall be paid at a rate one and one-half times the
21 employee's usual hourly rate.

22 ~~(h)~~ (i) Any full-time service personnel required to work in
23 excess of their normal working day during any week which contains
24 a school holiday for which they are paid shall be paid for the
25 additional hours or fraction of the additional hours at a rate of
26 one and one-half times their usual hourly rate and paid entirely

1 from county board funds.

2 ~~(i)~~ (j) No service employee may have his or her daily work
3 schedule changed during the school year without the employee's
4 written consent and the employee's required daily work hours may
5 not be changed to prevent the payment of time and one-half wages or
6 the employment of another employee.

7 ~~(j)~~ (k) The minimum hourly rate of pay for extra duty
8 assignments as defined in section eight-b of this article shall be
9 no less than one seventh of the employee's daily total salary for
10 each hour the employee is involved in performing the assignment and
11 paid entirely from local funds, subject to the following:

12 (1) ~~Provided, That~~ An alternative minimum hourly rate of pay
13 for performing extra duty assignments within a particular category
14 of employment may be used if the alternate hourly rate of pay is
15 approved both by the county board and by the affirmative vote of a
16 two-thirds majority of the regular full-time employees within that
17 classification category of employment within that county.

18 ~~Provided, however, That~~ The vote shall be by secret ballot if
19 requested by a service ~~personnel employee~~ person within that
20 classification category within that county;

21 (2) The salary for any fraction of an hour the employee is
22 involved in performing the assignment shall be prorated
23 accordingly; and

24 (3) When performing extra duty assignments, employees who are
25 regularly employed on a one-half day salary basis shall receive the
26 same hourly extra duty assignment pay computed as though the

1 employee were employed on a full-day salary basis.

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

25 ~~(l)~~ (m) For the purpose of qualifying for additional pay as
26 provided in section eight, article five of this chapter, an aide

1 shall be considered to be exercising the authority of a supervisory
2 aide and control over pupils if the aide is required to supervise,
3 control, direct, monitor, escort or render service to a child or
4 children when not under the direct supervision of certified
5 professional personnel within the classroom, library, hallway,
6 lunchroom, gymnasium, school building, school grounds or wherever
7 supervision is required. For purposes of this section, "under the
8 direct supervision of certified professional personnel" means that
9 certified professional personnel is present, with and accompanying
10 the aide.

11 **§18A-4-8b. Seniority rights for school service personnel.**

12 (a) A county board shall make decisions affecting promotions
13 and the filling of any service personnel positions of employment or
14 jobs occurring throughout the school year that are to be performed
15 by service personnel as provided in section eight of this article,
16 on the basis of seniority, qualifications and evaluation of past
17 service.

18 (b) Qualifications means the applicant holds a classification
19 title in his or her category of employment as provided in this
20 section and is given first opportunity for promotion and filling
21 vacancies. Other employees then shall be considered and shall
22 qualify by meeting the definition of the job title that relates to
23 the promotion or vacancy, as defined in section eight of this
24 article. If requested by the employee, the county board shall show
25 valid cause why a service person with the most seniority is not
26 promoted or employed in the position for which he or she applies.

1 Qualified applicants shall be considered in the following order:

2 (1) Regularly employed service personnel who hold a
3 classification title within the classification category of the
4 vacancy;

5 (2) Service personnel who have held a classification title
6 within the classification category of the vacancy whose employment
7 has been discontinued in accordance with this section;

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

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

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

15 (6) Substitute service personnel who do not hold a
16 classification title within the classification category of the
17 vacancy; and

18 (7) New service personnel.

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

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

26 (1) A promotion includes a transfer to another classification

1 category or place of employment if the position is not filled by an
2 employee who holds a title within that classification category of
3 employment.

4 (2) Each class title listed in section eight of this article
5 is considered a separate classification category of employment for
6 service personnel, except for those class titles having Roman
7 numeral designations, which are considered a single classification
8 of employment:

9 (A) The Cafeteria Manager class title is included in the same
10 classification category as cooks;

11 (B) The Executive Secretary class title is included in the
12 same classification category as secretaries;

13 (C) Paraprofessional, Autism Mentor, ~~and~~ Braille or sign
14 language Specialist and Educational Sign Language Interpreter I and
15 II class titles are included in the same classification category as
16 aides; and

17 (D) The ~~mechanic assistant and Chief Mechanic class titles are~~
18 title is included in the same classification category as mechanics.

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

22 (4) Assignment of a custodian to work shifts in a school or
23 work site is based on seniority within the custodian classification
24 category.

25 (e) For purposes of determining seniority under this section
26 a service person's seniority begins on the date that he or she

1 enters into the assigned duties.

2 (f) *Extra-duty assignments.* --

3 (1) For the purpose of this section, "extra-duty assignment"
4 means an irregular job that occurs periodically or occasionally
5 such as, but not limited to, field trips, athletic events, proms,
6 banquets and band festival trips.

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

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

16 (B) An alternative procedure for making extra-duty assignments
17 within a particular classification category of employment may be
18 used if the alternative procedure is approved both by the county
19 board and by an affirmative vote of two-thirds of the employees
20 within that classification category of employment.

21 (g) County boards shall post and date notices of all job
22 vacancies of existing or newly created positions in conspicuous
23 places for all school service personnel to observe for at least
24 five working days.

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

1 (2) Notice of a job vacancy shall include the job description,
2 the period of employment, the work site, the starting and ending
3 time of the daily shift, the amount of pay and any benefits and
4 other information that is helpful to prospective applicants to
5 understand the particulars of the job. The notice of a job vacancy
6 in the aide classification categories shall include the program or
7 primary assignment of the position. Job postings for vacancies
8 made pursuant to this section shall be written to ensure that the
9 largest possible pool of qualified applicants may apply. Job
10 postings may not require criteria which are not necessary for the
11 successful performance of the job and may not be written with the
12 intent to favor a specific applicant.

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

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

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

23 (i) The seniority of a service person is determined on the
24 basis of the length of time the employee has been employed by the
25 county board within a particular job classification. For the
26 purpose of establishing seniority for a preferred recall list as

1 provided in this section, a service person who has been employed in
2 one or more classifications retains the seniority accrued in each
3 previous classification.

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

7 (1) The employee with the least amount of seniority within
8 that classification or grades of classification is properly
9 released and employed in a different grade of that classification
10 if there is a job vacancy;

11 (2) If there is no job vacancy for employment within that
12 classification or grades of classification, the service person is
13 employed in any other job classification which he or she previously
14 held with the county board if there is a vacancy and retains any
15 seniority accrued in the job classification or grade of
16 classification.

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

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

25 (2) The affected employee shall notify the county board of his
26 or her intent to return to the former position of employment within

1 five days of being notified or lose the right to be restored to the
2 former position.

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

8 (4) If there are insufficient vacant positions to permit
9 reemployment of all more senior employees on the preferred recall
10 list within the classification category of the service person who
11 was subject to reduction in force, the position of the released
12 service person shall be posted and filled in accordance with this
13 section.

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

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

22 (n) A service person placed upon the preferred recall list
23 shall be recalled to any position openings by the county board
24 within the classification(s) where he or she had previously been
25 employed, to any lateral position for which the service person is
26 qualified or to a lateral area for which a service person has

1 certification and/or licensure.

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

6 (p) The county board shall notify all service personnel on the
7 preferred recall list of all position openings that exist from time
8 to time. The notice shall be sent by certified mail to the last
9 known address of the service person. Each service person shall
10 notify the county board of any change of address.

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

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

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

26 (1) A service person denied promotion or employment in

1 violation of this section shall be awarded the job, pay and any
2 applicable benefits retroactively to the date of the violation and
3 shall be paid entirely from local funds.

4 (2) The county board is liable to any party prevailing against
5 the board for any court reporter costs including copies of
6 transcripts.