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Senate Bill No. 434

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

[Introduced February 4, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as amended, all relating to clarifying the definition of a school "cook"; replacing the different classifications for cooks with a single classification; increasing the salary for the cook position; and granting an additional increase in salaries for cooks and cafeteria managers who obtain college credits in child nutrition.

Be it enacted by the Legislature of West Virginia:

That §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, 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.

(a) The purpose of this section is to establish an employment term and class titles for service personnel. The employment term

1 for service personnel may not be less than ten months. A month is
2 defined as twenty employment days. The county board may contract
3 with all or part of these service personnel for a longer term. The
4 beginning and closing dates of the ten-month employment term may
5 not exceed forty-three weeks.

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

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

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

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

25 (f) A custodian, aide, maintenance, office and school lunch

1 service person required to work a daily work schedule that is
2 interrupted shall be paid additional compensation in accordance
3 with this subsection.

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

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

12 (3) The additional compensation provided for in this
13 subsection:

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

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

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

24 (h) A service person's contract, as provided in section five,
25 article two of this chapter, shall state the appropriate monthly

1 salary the employee is to be paid, based on the class title as
2 provided in this article and on any county salary schedule in
3 excess of the minimum requirements of this article.

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

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

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

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

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

23 (5) "Accountant II" means a person employed to maintain
24 accounting records and to be responsible for the accounting process
25 associated with billing, budgets, purchasing and related

1 operations;

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

5 (7) "Accounts payable supervisor" means a person employed in
6 the county board office who has primary responsibility for the
7 accounts payable function and who either has completed twelve
8 college hours of accounting courses from an accredited institution
9 of higher education or has at least eight years of experience
10 performing progressively difficult accounting tasks.
11 Responsibilities of this class title may include supervision of
12 other personnel;

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

16 (9) "Aide II" means a service person referred to in the "Aide
17 I" classification who has completed a training program approved by
18 the state board, or who holds a high school diploma or has received
19 a general educational development certificate. Only a person
20 classified in an Aide II class title may be employed as an aide in
21 any special education program;

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

25 (A) Has completed six semester hours of college credit at an

1 institution of higher education; or

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

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

7 (A) Has completed eighteen hours of state board-approved
8 college credit at a regionally accredited institution of higher
9 education, or

10 (B) Has completed fifteen hours of state board-approved
11 college credit at a regionally accredited institution of higher
12 education; and has successfully completed an in-service training
13 program determined by the state board to be the equivalent of three
14 hours of college credit;

15 (12) "Audiovisual technician" means a person employed to
16 perform minor maintenance on audiovisual equipment, films and
17 supplies and who fills requests for equipment;

18 (13) "Auditor" means a person employed to examine and verify
19 accounts of individual schools and to assist schools and school
20 personnel in maintaining complete and accurate records of their
21 accounts;

22 (14) "Autism mentor" means a person who works with autistic
23 students and who meets standards and experience to be determined by
24 the state board. A person who has held or holds an aide title and
25 becomes employed as an autism mentor shall hold a

1 multiclassification status that includes both aide and autism
2 mentor titles, in accordance with section eight-b of this article;

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

10 (16) "Bus operator" means a person employed to operate school
11 buses and other school transportation vehicles as provided by the
12 state board;

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

17 (18) "Cabinetmaker" means a person employed to construct
18 cabinets, tables, bookcases and other furniture;

19 (19) "Cafeteria manager" means a person employed to direct the
20 operation of a food services program in a school, including
21 assigning duties to employees, approving requisitions for supplies
22 and repairs, keeping inventories, inspecting areas to maintain high
23 standards of sanitation, preparing financial reports and keeping
24 records pertinent to food services of a school;

25 (20) "Carpenter I" means a person classified as a carpenter's

1 helper;

2 (21) "Carpenter II" means a person classified as a journeyman
3 carpenter;

4 (22) "Chief mechanic" means a person employed to be
5 responsible for directing activities which ensure that student
6 transportation or other county board-owned vehicles are properly
7 and safely maintained;

8 (23) "Clerk I" means a person employed to perform clerical
9 tasks;

10 (24) "Clerk II" means a person employed to perform general
11 clerical tasks, prepare reports and tabulations and operate office
12 machines;

13 (25) "Computer operator" means a qualified person employed to
14 operate computers;

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

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

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

24 (26) "Cook" means a person employed to prepare and serve meals
25 and to make reports, prepare requisitions for supplies, order

1 equipment and repairs for a food service program of a school system
2 under the direction of a cafeteria manager;

3 ~~(29)~~ (27) "Crew leader" means a person employed to organize
4 the work for a crew of maintenance employees to carry out assigned
5 projects;

6 ~~(30)~~ (28) "Custodian I" means a person employed to keep
7 buildings clean and free of refuse;

8 ~~(31)~~ (29) "Custodian II" means a person employed as a watchman
9 or groundsman;

10 ~~(32)~~ (30) "Custodian III" means a person employed to keep
11 buildings clean and free of refuse, to operate the heating or
12 cooling systems and to make minor repairs;

13 ~~(33)~~ (31) "Custodian IV" means a person employed as head
14 custodians. In addition to providing services as defined in
15 "custodian III," duties may include supervising other custodian
16 personnel;

17 ~~(34)~~ (32) "Director or coordinator of services" means an
18 employee of a county board who is assigned to direct a department
19 or division.

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

22 (B) Professional personnel holding this class title may not be
23 defined or classified as service personnel unless the professional
24 person held a service personnel title under this section prior to
25 holding the class title of "director or coordinator of services."

1 (C) The director or coordinator of services shall be
2 classified either as a professional person or a service person for
3 state aid formula funding purposes;

4 (D) Funding for the position of director or coordinator of
5 services is based upon the employment status of the director or
6 coordinator either as a professional person or a service person;
7 and

8 (E) A person employed under the class title "director or
9 coordinator of services" may not be exclusively assigned to perform
10 the duties ascribed to any other class title as defined in this
11 subsection: *Provided*, That nothing in this paragraph prohibits a
12 person in this position from being multiclassified;

13 ~~(35)~~ (33) "Draftsman" means a person employed to plan, design
14 and produce detailed architectural/engineering drawings;

15 ~~(36)~~ (34) "Electrician I" means a person employed as an
16 apprentice electrician helper or one who holds an electrician
17 helper license issued by the State Fire Marshal;

18 ~~(37)~~ (35) "Electrician II" means a person employed as an
19 electrician journeyman or one who holds a journeyman electrician
20 license issued by the State Fire Marshal;

21 ~~(38)~~ (36) "Electronic technician I" means a person employed at
22 the apprentice level to repair and maintain electronic equipment;

23 ~~(39)~~ (37) "Electronic technician II" means a person employed
24 at the journeyman level to repair and maintain electronic
25 equipment;

1 ~~(40)~~ (38) "Executive secretary" means a person employed as
2 secretary to the county school superintendent or as a secretary who
3 is assigned to a position characterized by significant
4 administrative duties;

5 ~~(41)~~ (39) "Food services supervisor" means a qualified person
6 who is not a professional person or professional educator as
7 defined in section one, article one of this chapter. The food
8 services supervisor is employed to manage and supervise a county
9 school system's food service program. The duties include preparing
10 in-service training programs for cooks and food service employees,
11 instructing personnel in the areas of quantity cooking with economy
12 and efficiency and keeping aggregate records and reports;

13 ~~(42)~~ (40) "Foreman" means a skilled person employed to
14 supervise personnel who work in the areas of repair and maintenance
15 of school property and equipment;

16 ~~(43)~~ (41) "General maintenance" means a person employed as a
17 helper to skilled maintenance employees and to perform minor
18 repairs to equipment and buildings of a county school system;

19 ~~(44)~~ (42) "Glazier" means a person employed to replace glass
20 or other materials in windows and doors and to do minor carpentry
21 tasks;

22 ~~(45)~~ (43) "Graphic artist" means a person employed to prepare
23 graphic illustrations;

24 ~~(46)~~ (44) "Groundsman" means a person employed to perform
25 duties that relate to the appearance, repair and general care of

1 school grounds in a county school system. Additional assignments
2 may include the operation of a small heating plant and routine
3 cleaning duties in buildings;

4 ~~(47)~~ (45) "Handyman" means a person employed to perform
5 routine manual tasks in any operation of the county school system;

6 ~~(48)~~ (46) "Heating and air conditioning mechanic I" means a
7 person employed at the apprentice level to install, repair and
8 maintain heating and air conditioning plants and related electrical
9 equipment;

10 ~~(49)~~ (47) "Heating and air conditioning mechanic II" means a
11 person employed at the journeyman level to install, repair and
12 maintain heating and air conditioning plants and related electrical
13 equipment;

14 ~~(50)~~ (48) "Heavy equipment operator" means a person employed
15 to operate heavy equipment;

16 ~~(51)~~ (49) "Inventory supervisor" means a person employed to
17 supervise or maintain operations in the receipt, storage, inventory
18 and issuance of materials and supplies;

19 ~~(52)~~ (50) "Key punch operator" means a qualified person
20 employed to operate key punch machines or verifying machines;

21 ~~(53)~~ (51) "Licensed practical nurse" means a nurse, licensed
22 by the West Virginia Board of Examiners for Licensed Practical
23 Nurses, employed to work in a public school under the supervision
24 of a school nurse;

25 ~~(54)~~ (52) "Locksmith" means a person employed to repair and

1 maintain locks and safes;

2 ~~(55)~~ (53) "Lubrication man" means a person employed to
3 lubricate and service gasoline or diesel-powered equipment of a
4 county school system;

5 ~~(56)~~ (54) "Machinist" means a person employed to perform
6 machinist tasks which include the ability to operate a lathe,
7 planer, shaper, threading machine and wheel press. A person
8 holding this class title also should have the ability to work from
9 blueprints and drawings;

10 ~~(57)~~ (55) "Mail clerk" means a person employed to receive,
11 sort, dispatch, deliver or otherwise handle letters, parcels and
12 other mail;

13 ~~(58)~~ (56) "Maintenance clerk" means a person employed to
14 maintain and control a stocking facility to keep adequate tools and
15 supplies on hand for daily withdrawal for all school maintenance
16 crafts;

17 ~~(59)~~ (57) "Mason" means a person employed to perform tasks
18 connected with brick and block laying and carpentry tasks related
19 to these activities;

20 ~~(60)~~ (58) "Mechanic" means a person employed to perform
21 skilled duties independently in the maintenance and repair of
22 automobiles, school buses and other mechanical and mobile equipment
23 to use in a county school system;

24 ~~(61)~~ (59) "Mechanic assistant" means a person employed as a
25 mechanic apprentice and helper;

1 ~~(62)~~ (60) "Multiclassification" means a person employed to
2 perform tasks that involve the combination of two or more class
3 titles in this section. In these instances the minimum salary
4 scale shall be the higher pay grade of the class titles involved;

5 ~~(63)~~ (61) "Office equipment repairman I" means a person
6 employed as an office equipment repairman apprentice or helper;

7 ~~(64)~~ (62) "Office equipment repairman II" means a person
8 responsible for servicing and repairing all office machines and
9 equipment. A person holding this class title is responsible for
10 the purchase of parts necessary for the proper operation of a
11 program of continuous maintenance and repair;

12 ~~(65)~~ (63) "Painter" means a person employed to perform duties
13 painting, finishing and decorating wood, metal and concrete
14 surfaces of buildings, other structures, equipment, machinery and
15 furnishings of a county school system;

16 ~~(66)~~ (64) "Paraprofessional" means a person certified pursuant
17 to section two-a, article three of this chapter to perform duties
18 in a support capacity including, but not limited to, facilitating
19 in the instruction and direct or indirect supervision of students
20 under the direction of a principal, a teacher or another designated
21 professional educator.

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

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

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

10 ~~(67)~~ (65) "Payroll supervisor" means a person employed in the
11 county board office who has primary responsibility for the payroll
12 function and who either has completed twelve college hours of
13 accounting from an accredited institution of higher education or
14 has at least eight years of experience performing progressively
15 difficult accounting tasks. Responsibilities of this class title
16 may include supervision of other personnel;

17 ~~(68)~~ (66) "Plumber I" means a person employed as an apprentice
18 plumber and helper;

19 ~~(69)~~ (67) "Plumber II" means a person employed as a journeyman
20 plumber;

21 ~~(70)~~ (68) "Printing operator" means a person employed to
22 operate duplication equipment, and to cut, collate, staple, bind
23 and shelve materials as required;

24 ~~(71)~~ (69) "Printing supervisor" means a person employed to
25 supervise the operation of a print shop;

1 ~~(72)~~ (70) "Programmer" means a person employed to design and
2 prepare programs for computer operation;

3 ~~(73)~~ (71) "Roofing/sheet metal mechanic" means a person
4 employed to install, repair, fabricate and maintain roofs, gutters,
5 flashing and duct work for heating and ventilation;

6 ~~(74)~~ (72) "Sanitation plant operator" means a person employed
7 to operate and maintain a water or sewage treatment plant to ensure
8 the safety of the plant's effluent for human consumption or
9 environmental protection;

10 ~~(75)~~ (73) "School bus supervisor" means a qualified person:

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

16 (B) Certified to operate a bus or previously certified to
17 operate a bus;

18 ~~(76)~~ (74) "Secretary I" means a person employed to transcribe
19 from notes or mechanical equipment, receive callers, perform
20 clerical tasks, prepare reports and operate office machines;

21 ~~(77)~~ (75) "Secretary II" means a person employed in any
22 elementary, secondary, kindergarten, nursery, special education,
23 vocational or any other school as a secretary. The duties may
24 include performing general clerical tasks; transcribing from notes,
25 stenotype, mechanical equipment or a sound-producing machine;

1 preparing reports; receiving callers and referring them to proper
2 persons; operating office machines; keeping records and handling
3 routine correspondence. Nothing in this subdivision prevents a
4 service person from holding or being elevated to a higher
5 classification;

6 ~~(78)~~ (76) "Secretary III" means a person assigned to the
7 county board office administrators in charge of various
8 instructional, maintenance, transportation, food services,
9 operations and health departments, federal programs or departments
10 with particular responsibilities in purchasing and financial
11 control or any person who has served for eight years in a position
12 which meets the definition of "secretary II" or "secretary III";

13 ~~(79)~~ (77) "Supervisor of maintenance" means a skilled person
14 who is not a professional person or professional educator as
15 defined in section one, article one of this chapter. The
16 responsibilities include directing the upkeep of buildings and
17 shops, and issuing instructions to subordinates relating to
18 cleaning, repairs and maintenance of all structures and mechanical
19 and electrical equipment of a county board;

20 ~~(80)~~ (78) "Supervisor of transportation" means a qualified
21 person employed to direct school transportation activities properly
22 and safely, and to supervise the maintenance and repair of
23 vehicles, buses and other mechanical and mobile equipment used by
24 the county school system. After July 1, 2010, all persons employed
25 for the first time in a position with this classification title or

1 in a multiclassification position that includes this title shall
2 have five years of experience working in the transportation
3 department of a county board. Experience working in the
4 transportation department shall consist of serving as a bus
5 operator, bus aide, assistant mechanic, mechanic, chief mechanic or
6 in a clerical position within the transportation department;

7 ~~(81)~~ (79) "Switchboard operator-receptionist" means a person
8 employed to refer incoming calls, to assume contact with the
9 public, to direct and to give instructions as necessary, to operate
10 switchboard equipment and to provide clerical assistance;

11 ~~(82)~~ (80) "Truck driver" means a person employed to operate
12 light or heavy duty gasoline and diesel-powered vehicles;

13 ~~(83)~~ (81) "Warehouse clerk" means a person employed to be
14 responsible for receiving, storing, packing and shipping goods;

15 ~~(84)~~ (82) "Watchman" means a person employed to protect school
16 property against damage or theft. Additional assignments may
17 include operation of a small heating plant and routine cleaning
18 duties;

19 ~~(85)~~ (83) "Welder" means a person employed to provide
20 acetylene or electric welding services for a school system; and

21 ~~(86)~~ (84) "WVEIS data entry and administrative clerk" means a
22 person employed to work under the direction of a school principal
23 to assist the school counselor or counselors in the performance of
24 administrative duties, to perform data entry tasks on the West
25 Virginia Education Information System, and to perform other

1 administrative duties assigned by the principal.

2 (j) Notwithstanding any provision in this code to the
3 contrary, and in addition to the compensation provided for service
4 personnel in section eight-a of this article, each service person
5 is entitled to all service personnel employee rights, privileges
6 and benefits provided under this or any other chapter of this code
7 without regard to the employee's hours of employment or the methods
8 or sources of compensation.

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

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

25 (m) Without his or her written consent, a service person may

1 not be:

2 (1) Reclassified by class title; or

3 (2) Relegated to any condition of employment which would
4 result in a reduction of his or her salary, rate of pay,
5 compensation or benefits earned during the current fiscal year; or
6 for which he or she would qualify by continuing in the same job
7 position and classification held during that fiscal year and
8 subsequent years.

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

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

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

1 (q) Without the written consent of the service person, a
2 county board may not establish the beginning work station for a bus
3 operator or transportation aide at any site other than a county
4 board-owned facility with available parking. The workday of the
5 bus operator or transportation aide commences at the bus at the
6 designated beginning work station and ends when the employee is
7 able to leave the bus at the designated beginning work station,
8 unless he or she agrees otherwise in writing. The application or
9 acceptance of a posted position may not be construed as the written
10 consent referred to in this subsection.

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

1 by a service person with itinerant status. A service person who is
 2 assigned to a beginning and ending work site and travels at the
 3 expense of the county board to other work sites during the daily
 4 schedule, shall not be considered to hold itinerant status.

5 **§18A-4-8a. Service personnel minimum monthly salaries.**

6 (a) The minimum monthly pay for each service employee whose
 7 employment is for a period of more than three and one-half hours a
 8 day shall be at least the amounts indicated in the state minimum
 9 pay scale pay grade and the minimum monthly pay for each service
 10 employee whose employment is for a period of three and one-half
 11 hours or less a day shall be at least one-half the amount indicated
 12 in the state minimum pay scale pay grade set forth in this section.

13 **STATE MINIMUM PAY SCALE PAY GRADE**

14	Years	PAY GRADE							
15	Exp.	A	B	C	D	E	F	G	H
16	0	1,577	1,598	1,639	1,691	1,743	1,805	1,836	1,908
17	1	1,609	1,630	1,671	1,723	1,775	1,837	1,868	1,940
18	2	1,641	1,662	1,703	1,755	1,807	1,869	1,900	1,972
19	3	1,673	1,694	1,735	1,787	1,839	1,901	1,932	2,004
20	4	1,705	1,726	1,767	1,819	1,871	1,933	1,964	2,037
21	5	1,737	1,758	1,799	1,851	1,903	1,965	1,996	2,069
22	6	1,769	1,790	1,832	1,883	1,935	1,997	2,028	2,101
23	7	1,802	1,822	1,864	1,915	1,967	2,029	2,060	2,133
24	8	1,834	1,854	1,896	1,947	1,999	2,061	2,092	2,165
25	9	1,866	1,886	1,928	1,980	2,031	2,093	2,124	2,197
26	10	1,898	1,919	1,960	2,012	2,063	2,126	2,157	2,229
27	11	1,930	1,951	1,992	2,044	2,095	2,158	2,189	2,261

1	12	1,962	1,983	2,024	2,076	2,128	2,190	2,221	2,293
2	13	1,994	2,015	2,056	2,108	2,160	2,222	2,253	2,325
3	14	2,026	2,047	2,088	2,140	2,192	2,254	2,285	2,357
4	15	2,058	2,079	2,120	2,172	2,224	2,286	2,317	2,389
5	16	2,090	2,111	2,152	2,204	2,256	2,318	2,349	2,422
6	17	2,122	2,143	2,185	2,236	2,288	2,350	2,381	2,454
7	18	2,154	2,175	2,217	2,268	2,320	2,382	2,413	2,486
8	19	2,187	2,207	2,249	2,300	2,352	2,414	2,445	2,518
9	20	2,219	2,239	2,281	2,333	2,384	2,446	2,477	2,550
10	21	2,251	2,271	2,313	2,365	2,416	2,478	2,509	2,582
11	22	2,283	2,304	2,345	2,397	2,448	2,511	2,542	2,614
12	23	2,315	2,336	2,377	2,429	2,481	2,543	2,574	2,646
13	24	2,347	2,368	2,409	2,461	2,513	2,575	2,606	2,678
14	25	2,379	2,400	2,441	2,493	2,545	2,607	2,638	2,710
15	26	2,411	2,432	2,473	2,525	2,577	2,639	2,670	2,742
16	27	2,443	2,464	2,505	2,557	2,609	2,671	2,702	2,774
17	28	2,475	2,496	2,537	2,589	2,641	2,703	2,734	2,807
18	29	2,507	2,528	2,570	2,621	2,673	2,735	2,766	2,839
19	30	2,540	2,560	2,602	2,653	2,705	2,767	2,798	2,871
20	31	2,572	2,592	2,634	2,685	2,737	2,799	2,830	2,903
21	32	2,604	2,624	2,666	2,718	2,769	2,831	2,862	2,935
22	33	2,636	2,656	2,698	2,750	2,801	2,863	2,895	2,967
23	34	2,668	2,689	2,730	2,782	2,833	2,896	2,927	2,999
24	35	2,700	2,721	2,762	2,814	2,866	2,928	2,959	3,031
25	36	2,732	2,753	2,794	2,846	2,898	2,960	2,991	3,063
26	37	2,764	2,785	2,826	2,878	2,930	2,992	3,023	3,095
27	38	2,796	2,817	2,858	2,910	2,962	3,024	3,055	3,127
28	39	2,828	2,849	2,890	2,942	2,994	3,056	3,087	3,159
29	40	2,860	2,881	2,922	2,974	3,026	3,088	3,119	3,192

1 (Class Title)	Pay Grade
2 Accountant I	D
3 Accountant II	E
4 Accountant III	F
5 Accounts Payable Supervisor	G
6 Aide I	A
7 Aide II	B
8 Aide III	C
9 Aide IV	D
10 Audiovisual Technician	C
11 Auditor	G
12 Autism Mentor	F
13 Braille or Sign Language Specialist	E
14 Bus Operator	D
15 Buyer	F
16 Cabinetmaker	G
17 Cafeteria Manager	D
18 Carpenter I	E
19 Carpenter II	F
20 Chief Mechanic	G
21 Clerk I	B
22 Clerk II.....	C
23 Computer Operator	E
24 Cook I	A
25 Cook II	B

1	Cook III	C
2	Cook	D
3	Crew Leader	F
4	Custodian I	A
5	Custodian II	B
6	Custodian III	C
7	Custodian IV	D
8	Director or Coordinator of Services	H
9	Draftsman	D
10	Electrician I	F
11	Electrician II	G
12	Electronic Technician I	F
13	Electronic Technician II	G
14	Executive Secretary	G
15	Food Services Supervisor	G
16	Foreman	G
17	General Maintenance	C
18	Glazier	D
19	Graphic Artist	D
20	Groundsman	B
21	Handyman	B
22	Heating and Air Conditioning Mechanic I	E
23	Heating and Air Conditioning Mechanic II	G
24	Heavy Equipment Operator	E
25	Inventory Supervisor	D

1	Key Punch Operator	B
2	Licensed Practical Nurse	F
3	Locksmith	G
4	Lubrication Man	C
5	Machinist	F
6	Mail Clerk	D
7	Maintenance Clerk	C
8	Mason	G
9	Mechanic	F
10	Mechanic Assistant	E
11	Office Equipment Repairman I	F
12	Office Equipment Repairman II	G
13	Painter	E
14	Paraprofessional	F
15	Payroll Supervisor	G
16	Plumber I	E
17	Plumber II	G
18	Printing Operator	B
19	Printing Supervisor	D
20	Programmer	H
21	Roofing/Sheet Metal Mechanic	F
22	Sanitation Plant Operator	G
23	School Bus Supervisor	E
24	Secretary I	D
25	Secretary II	E

1	Secretary III	F
2	Supervisor of Maintenance	H
3	Supervisor of Transportation	H
4	Switchboard Operator-Receptionist	D
5	Truck Driver	D
6	Warehouse Clerk	C
7	Watchman	B
8	Welder	F
9	WVEIS Data Entry and Administrative Clerk	B

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

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

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

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

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

25 (4) A service employee who holds forty-eight college hours or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (f) An additional \$20 per month shall be added to the minimum
16 monthly pay of each service employee classified as a cook or
17 cafeteria manager, either as a single classification title or as
18 part of a multiclassification title who holds three college hours
19 in the area of child nutrition as approved by the West Virginia
20 Department of Education: Provided, That cooks and cafeteria
21 managers shall be paid \$20 per month for each additional three
22 hours of college credit up to a total of twelve college hours or
23 \$80 per month;

24 ~~(f)~~ (g) When any part of a school service employee's daily
25 shift of work is performed between the hours of six o'clock p.m.

1 and five o'clock a.m. the following day, the employee shall be paid
2 no less than an additional \$10 per month and one half of the pay
3 shall be paid with local funds.

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

7 ~~(h)~~ (i) Any full-time service personnel required to work in
8 excess of their normal working day during any week which contains
9 a school holiday for which they are paid shall be paid for the
10 additional hours or fraction of the additional hours at a rate of
11 one and one-half times their usual hourly rate and paid entirely
12 from county board funds.

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

18 ~~(j)~~ (k) The minimum hourly rate of pay for extra duty
19 assignments as defined in section eight-b of this article shall be
20 no less than one seventh of the employee's daily total salary for
21 each hour the employee is involved in performing the assignment and
22 paid entirely from local funds: *Provided*, That an alternative
23 minimum hourly rate of pay for performing extra duty assignments
24 within a particular category of employment may be used if the
25 alternate hourly rate of pay is approved both by the county board

1 and by the affirmative vote of a two-thirds majority of the regular
2 full-time employees within that classification category of
3 employment within that county: *Provided, however,* That the vote
4 shall be by secret ballot if requested by a service personnel
5 employee within that classification category within that county.
6 The salary for any fraction of an hour the employee is involved in
7 performing the assignment shall be prorated accordingly. When
8 performing extra duty assignments, employees who are regularly
9 employed on a one-half day salary basis shall receive the same
10 hourly extra duty assignment pay computed as though the employee
11 were employed on a full-day salary basis.

12 ~~(k)~~ (l) The minimum pay for any service personnel employees
13 engaged in the removal of asbestos material or related duties
14 required for asbestos removal shall be their regular total daily
15 rate of pay and no less than an additional \$3 per hour or no less
16 than \$5 per hour for service personnel supervising asbestos removal
17 responsibilities for each hour these employees are involved in
18 asbestos related duties. Related duties required for asbestos
19 removal include, but are not limited to, travel, preparation of the
20 work site, removal of asbestos decontamination of the work site,
21 placing and removal of equipment and removal of structures from the
22 site. If any member of an asbestos crew is engaged in asbestos
23 related duties outside of the employee's regular employment county,
24 the daily rate of pay shall be no less than the minimum amount as
25 established in the employee's regular employment county for

1 asbestos removal and an additional \$30 per each day the employee is
2 engaged in asbestos removal and related duties. The additional pay
3 for asbestos removal and related duties shall be payable entirely
4 from county funds. Before service personnel employees may be used
5 in the removal of asbestos material or related duties, they shall
6 have completed a federal Environmental Protection Act approved
7 training program and be licensed. The employer shall provide all
8 necessary protective equipment and maintain all records required by
9 the Environmental Protection Act.

10 ~~(i)~~ (m) For the purpose of qualifying for additional pay as
11 provided in section eight, article five of this chapter, an aide
12 shall be considered to be exercising the authority of a supervisory
13 aide and control over pupils if the aide is required to supervise,
14 control, direct, monitor, escort or render service to a child or
15 children when not under the direct supervision of certified
16 professional personnel within the classroom, library, hallway,
17 lunchroom, gymnasium, school building, school grounds or wherever
18 supervision is required. For purposes of this section, "under the
19 direct supervision of certified professional personnel" means that
20 certified professional personnel is present, with and accompanying
21 the aide.

NOTE: The purpose of this bill is to replace the different classifications for cooks with a single classification. The bill increases the salary for the cook position. The bill also grants additional increased salaries for cooks and cafeteria managers who

obtain college credits in child nutrition.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.