

COMMITTEE SUBSTITUTE

for

**H. B. 2702**

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(BY DELEGATE(S) PASDON, PERRY, MOYE,  
HAMRICK, CAMPBELL, STATLER, ROWAN AND ESPINOSA)

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[Originating in the Committee on Education.]  
(February 16, 2015)

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A BILL to amend and reenact §18-5-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8, §18A-4-8a and §18A-4-8b of said code, all relating to redefining service personnel class titles of early childhood classroom assistant teacher; protecting certain aides from reduction in force or transfer to create vacancy for less senior early childhood classroom assistant teacher; requiring aide who becomes employed as early childhood classroom assistant teacher to hold certain

multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides.

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

That §18-5-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §18A-4-8, §18A-4-8a and §18A-4-8b of said code be amended and reenacted, all to read as follows:

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

#### **§18-5-18. Kindergarten programs.**

1       (a) County boards shall provide kindergarten programs for  
2 all children who have attained the age of five prior to September  
3 1, of the school year in which the pupil enters the kindergarten  
4 program and may, pursuant to the provisions of section forty-  
5 four, article five, chapter eighteen of this code, establish  
6 kindergarten programs designed for children below the age of  
7 five. The programs for children who shall have attained the age  
8 of five shall be full-day everyday programs.

9       (b) Persons employed as kindergarten teachers, as  
10 distinguished from paraprofessional personnel, shall be required

11 to hold a certificate valid for teaching at the assigned level as  
12 prescribed by rules established by the state board. The state  
13 board shall establish the minimum requirements for all  
14 paraprofessional personnel employed in kindergarten programs  
15 established pursuant to the provisions of this section and no such  
16 paraprofessional personnel may be employed in any kindergarten  
17 program unless he or she meets the minimum requirements.  
18 Beginning July 1, 2014, any person previously employed as an  
19 aide in a kindergarten program and who is employed in the same  
20 capacity on and after that date and any new person employed in  
21 that capacity in a kindergarten program on and after that date  
22 shall hold the position of aide and either Early Childhood  
23 Classroom Assistant Teacher ~~Temporary Authorization I~~, Early  
24 Childhood Classroom Assistant Teacher ~~Permanent~~  
25 ~~Authorization II~~ or Early Childhood Classroom Assistant  
26 Teacher ~~Paraprofessional Certificate III~~. Any person employed  
27 as an aide in a kindergarten program that is eligible for full  
28 retirement benefits before July 1, 2020, may remain employed  
29 as an aide in that position and shall be granted an Early  
30 Childhood Classroom Assistant Teacher permanent authorization

31 by the state superintendent pursuant to section two-a, article  
32 three, chapter eighteen-a of this code. ~~may not be required to~~  
33 ~~acquire licensure pursuant to this section.~~

34 (c) The state board with the advice of the state  
35 superintendent shall establish and prescribe guidelines and  
36 criteria relating to the establishment, operation and successful  
37 completion of kindergarten programs in accordance with the  
38 other provisions of this section. Guidelines and criteria so  
39 established and prescribed also are intended to serve for the  
40 establishment and operation of nonpublic kindergarten programs  
41 and shall be used for the evaluation and approval of those  
42 programs by the state superintendent, provided application for  
43 the evaluation and approval is made in writing by proper  
44 authorities in control of the programs. The state superintendent,  
45 annually, shall publish a list of nonpublic kindergarten programs,  
46 including Montessori kindergartens that have been approved in  
47 accordance with the provisions of this section. Montessori  
48 kindergartens established and operated in accordance with usual  
49 and customary practices for the use of the Montessori method  
50 which have teachers who have training or experience, regardless

51 of additional certification, in the use of the Montessori method  
52 of instruction for kindergartens shall be considered to be  
53 approved.

54 (d) Pursuant to the guidelines and criteria, and only pursuant  
55 to the guidelines and criteria, the county boards may establish  
56 programs taking kindergarten to the homes of the children  
57 involved, using educational television, paraprofessional  
58 personnel in addition to and to supplement regularly certified  
59 teachers, mobile or permanent classrooms and other means  
60 developed to best carry kindergarten to the child in its home and  
61 enlist the aid and involvement of its parent or parents in  
62 presenting the program to the child; or may develop programs of  
63 a more formal kindergarten type, in existing school buildings, or  
64 both, as the county board may determine, taking into  
65 consideration the cost, the terrain, the existing available  
66 facilities, the distances each child may be required to travel, the  
67 time each child may be required to be away from home, the  
68 child's health, the involvement of parents and other factors as  
69 each county board may find pertinent. The determinations by any  
70 county board are final and conclusive.

**CHAPTER 18A. SCHOOL PERSONNEL.**

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

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

1           (a) The purpose of this section is to establish an employment  
2 term and class titles for service personnel. The employment term  
3 for service personnel may not be less than ten months. A month  
4 is defined as twenty employment days. The county board may  
5 contract with all or part of these service personnel for a longer  
6 term.

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

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

16           (d) A service person may not be required to report for work  
17 more than five days per week without his or her agreement, and

18 no part of any working day may be accumulated by the employer  
19 for future work assignments, unless the employee agrees thereto.

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

27 (f) A custodian, aide, maintenance, office and school lunch  
28 service person required to work a daily work schedule that is  
29 interrupted is paid additional compensation in accordance with  
30 this subsection.

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

35 (2) A service person's schedule is considered to be  
36 interrupted if he or she does not work a continuous period in one

37 day. Aides are not regarded as working an interrupted schedule  
38 when engaged exclusively in the duties of transporting students;

39 (3) The additional compensation provided in this subsection:

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

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

44 (g) When there is a change in classification or when a  
45 service person meets the requirements of an advanced  
46 classification, his or her salary shall be made to comply with the  
47 requirements of this article and any county salary schedule in  
48 excess of the minimum requirements of this article, based upon  
49 the service person's advanced classification and allowable years  
50 of employment.

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

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

59 (1) “Pay grade” means the monthly salary applicable to class  
60 titles of service personnel;

61 (2) “Years of employment” means the number of years  
62 which an employee classified as a service person has been  
63 employed by a county board in any position prior to or  
64 subsequent to the effective date of this section and includes  
65 service in the Armed Forces of the United States, if the  
66 employee was employed at the time of his or her induction. For  
67 the purpose of section eight-a of this article, years of  
68 employment is limited to the number of years shown and  
69 allowed under the state minimum pay scale as set forth in section  
70 eight-a of this article;

71 (3) “Class title” means the name of the position or job held  
72 by a service person;

73 (4) “Accountant I” means a person employed to maintain  
74 payroll records and reports and perform one or more operations  
75 relating to a phase of the total payroll;

76 (5) "Accountant II" means a person employed to maintain  
77 accounting records and to be responsible for the accounting  
78 process associated with billing, budgets, purchasing and related  
79 operations;

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

83 (7) "Accounts payable supervisor" means a person employed  
84 in the county board office who has primary responsibility for the  
85 accounts payable function and who either has completed twelve  
86 college hours of accounting courses from an accredited  
87 institution of higher education or has at least eight years of  
88 experience performing progressively difficult accounting tasks.  
89 Responsibilities of this class title may include supervision of  
90 other personnel;

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

94 (9) "Aide II" means a service person referred to in the "Aide  
95 I" classification who has completed a training program approved

96 by the state board, or who holds a high school diploma or has  
97 received a general educational development certificate. Only a  
98 person classified in an Aide II class title may be employed as an  
99 aide in any special education program

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

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

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

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

110 (A) Has completed eighteen hours of State Board-approved  
111 college credit at a regionally accredited institution of higher  
112 education, or

113 (B) Has completed fifteen hours of State Board-approved  
114 college credit at a regionally accredited institution of higher  
115 education; and has successfully completed an in-service training

116 program determined by the state Board to be the equivalent of  
117 three hours of college credit;

118 (12) “Audiovisual technician” means a person employed to  
119 perform minor maintenance on audiovisual equipment, films,  
120 and supplies and who fills requests for equipment;

121 (13) “Auditor” means a person employed to examine and  
122 verify accounts of individual schools and to assist schools and  
123 school personnel in maintaining complete and accurate records  
124 of their accounts;

125 (14) “Autism mentor” means a person who works with  
126 autistic students and who meets standards and experience to be  
127 determined by the state Board. A person who has held or holds  
128 an aide title and becomes employed as an autism mentor shall  
129 hold a multiclassification status that includes both aide and  
130 autism mentor titles, in accordance with section eight-b of this  
131 article;

132 (15) “Braille specialist” means a person employed to provide  
133 braille assistance to students. A service person who has held or  
134 holds an aide title and becomes employed as a braille specialist  
135 shall hold a multiclassification status that includes both aide and

136 braille specialist title, in accordance with section eight-b of this  
137 article;

138 (16) “Bus operator” means a person employed to operate  
139 school buses and other school transportation vehicles as  
140 provided by the state board;

141 (17) “Buyer” means a person employed to review and write  
142 specifications, negotiate purchase bids and recommend purchase  
143 agreements for materials and services that meet predetermined  
144 specifications at the lowest available costs;

145 (18) “Cabinetmaker” means a person employed to construct  
146 cabinets, tables, bookcases and other furniture;

147 (19) “Cafeteria manager” means a person employed to direct  
148 the operation of a food services program in a school, including  
149 assigning duties to employees, approving requisitions for  
150 supplies and repairs, keeping inventories, inspecting areas to  
151 maintain high standards of sanitation, preparing financial reports  
152 and keeping records pertinent to food services of a school;

153 (20) “Carpenter I” means a person classified as a carpenter’s  
154 helper;

155 (21) "Carpenter II" means a person classified as a  
156 journeyman carpenter;

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

161 (23) "Clerk I" means a person employed to perform clerical  
162 tasks;

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

166 (25) "Computer operator" means a qualified person  
167 employed to operate computers;

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

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

173 (28) "Cook III" means a person employed to prepare and  
174 serve meals, make reports, prepare requisitions for supplies,

175 order equipment and repairs for a food service program of a  
176 school system;

177 (29) “Crew leader” means a person employed to organize the  
178 work for a crew of maintenance employees to carry out assigned  
179 projects;

180 (30) “Custodian I” means a person employed to keep  
181 buildings clean and free of refuse;

182 (31) “Custodian II” means a person employed as a watchman  
183 or groundsman;

184 (32) “Custodian III” means a person employed to keep  
185 buildings clean and free of refuse, to operate the heating or  
186 cooling systems and to make minor repairs;

187 (33) “Custodian IV” means a person employed as a head  
188 custodian. In addition to providing services as defined in  
189 “Custodian III” duties may include supervising other custodian  
190 personnel;

191 (34) “Director or coordinator of services” means an  
192 employee of a county board who is assigned to direct a  
193 department or division.

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

196 (B) Professional personnel holding this class title may not be  
197 defined or classified as service personnel unless the professional  
198 person held a service personnel title under this section prior to  
199 holding the class title of “director or coordinator of services;”

200 (C) The director or coordinator of services is classified either  
201 as a professional person or a service person for state aid formula  
202 funding purposes;

203 (D) Funding for the position of director or coordinator of  
204 services is based upon the employment status of the director or  
205 coordinator either as a professional person or a service person;  
206 and

207 (E) A person employed under the class title “director or  
208 coordinator of services” may not be exclusively assigned to  
209 perform the duties ascribed to any other class title as defined in  
210 this subsection: *Provided*, That nothing in this paragraph  
211 prohibits a person in this position from being multiclassified;

212 (35) “Draftsman” means a person employed to plan, design  
213 and produce detailed architectural/engineering drawings;

214 (36) “Early Childhood Classroom Assistant Teacher =  
215 ~~Temporary Authorization I~~” means a person who does not  
216 possess minimum requirements for the permanent authorization  
217 requirements, but is enrolled in and pursuing requirements;

218 (37) “Early Childhood Classroom Assistant Teacher =  
219 ~~Permanent Authorization II~~” means a person who has completed  
220 the minimum requirements for a state-awarded certificate for  
221 early childhood classroom assistant teachers as determined by  
222 the State Board; ~~that meet or exceed the requirements for a child~~  
223 ~~development associate. Equivalency for the West Virginia~~  
224 ~~Department of Education will be determined as the child~~  
225 ~~development associate or the West Virginia Apprenticeship for~~  
226 ~~Child Development Specialists;~~

227 (38) “Early Childhood Classroom Assistant Teacher =  
228 ~~Paraprofessional Certificate III~~” means a person who has  
229 completed permanent authorization requirements, as well as  
230 additional requirements comparable to current paraprofessional  
231 certificate;

232 (39) “Educational Sign Language Interpreter I” means a  
233 person employed to provide communication access across all

234 educational environments to students who are deaf or hard of  
235 hearing, and who holds the Initial Paraprofessional Certificate –  
236 Educational Interpreter pursuant to state board policy;

237 (40) “Educational Sign Language Interpreter II” means a  
238 person employed to provide communication access across all  
239 educational environments to students who are deaf or hard of  
240 hearing, and who holds the Permanent Paraprofessional  
241 Certificate – Educational Interpreter pursuant to state board  
242 policy;

243 (41) “Electrician I” means a person employed as an  
244 apprentice electrician helper or one who holds an electrician  
245 helper license issued by the State Fire Marshal;

246 (42) “Electrician II” means a person employed as an  
247 electrician journeyman or one who holds a journeyman  
248 electrician license issued by the State Fire Marshal;

249 (43) “Electronic technician I” means a person employed at  
250 the apprentice level to repair and maintain electronic equipment;

251 (44) “Electronic technician II” means a person employed at  
252 the journeyman level to repair and maintain electronic  
253 equipment;

254 (45) “Executive secretary” means a person employed as  
255 secretary to the county school superintendent or as a secretary  
256 who is assigned to a position characterized by significant  
257 administrative duties;

258 (46) “Food services supervisor” means a qualified person  
259 who is not a professional person or professional educator as  
260 defined in section one, article one of this chapter. The food  
261 services supervisor is employed to manage and supervise a  
262 county school system’s food service program. The duties include  
263 preparing in-service training programs for cooks and food  
264 service employees, instructing personnel in the areas of quantity  
265 cooking with economy and efficiency and keeping aggregate  
266 records and reports;

267 (47) “Foreman” means a skilled person employed to  
268 supervise personnel who work in the areas of repair and  
269 maintenance of school property and equipment;

270 (48) “General maintenance” means a person employed as a  
271 helper to skilled maintenance employees, and to perform minor  
272 repairs to equipment and buildings of a county school system;

273 (49) “Glazier” means a person employed to replace glass or  
274 other materials in windows and doors and to do minor carpentry  
275 tasks;

276 (50) “Graphic artist” means a person employed to prepare  
277 graphic illustrations;

278 (51) “Groundsman” means a person employed to perform  
279 duties that relate to the appearance, repair and general care of  
280 school grounds in a county school system. Additional  
281 assignments may include the operation of a small heating plant  
282 and routine cleaning duties in buildings;

283 (52) “Handyman” means a person employed to perform  
284 routine manual tasks in any operation of the county school  
285 system;

286 (53) “Heating and air conditioning mechanic I” means a  
287 person employed at the apprentice level to install, repair and  
288 maintain heating and air conditioning plants and related  
289 electrical equipment;

290 (54) “Heating and air conditioning mechanic II” means a  
291 person employed at the journeyman level to install, repair and

292 maintain heating and air conditioning plants and related  
293 electrical equipment;

294 (55) “Heavy equipment operator” means a person employed  
295 to operate heavy equipment;

296 (56) “Inventory supervisor” means a person employed to  
297 supervise or maintain operations in the receipt, storage,  
298 inventory and issuance of materials and supplies;

299 (57) “Key punch operator” means a qualified person  
300 employed to operate key punch machines or verifying machines;

301 (58) “Licensed practical nurse” means a nurse, licensed by  
302 the West Virginia Board of Examiners for Licensed Practical  
303 Nurses, employed to work in a public school under the  
304 supervision of a school nurse;

305 (59) “Locksmith” means a person employed to repair and  
306 maintain locks and safes;

307 (60) “Lubrication man” means a person employed to  
308 lubricate and service gasoline or diesel-powered equipment of a  
309 county school system;

310 (61) “Machinist” means a person employed to perform  
311 machinist tasks which include the ability to operate a lathe,

312 planer, shaper, threading machine and wheel press. A person  
313 holding this class title also should have the ability to work from  
314 blueprints and drawings;

315 (62) "Mail clerk" means a person employed to receive, sort,  
316 dispatch, deliver or otherwise handle letters, parcels and other  
317 mail;

318 (63) "Maintenance clerk" means a person employed to  
319 maintain and control a stocking facility to keep adequate tools  
320 and supplies on hand for daily withdrawal for all school  
321 maintenance crafts;

322 (64) "Mason" means a person employed to perform tasks  
323 connected with brick and block laying and carpentry tasks  
324 related to these activities;

325 (65) "Mechanic" means a person employed to perform  
326 skilled duties independently in the maintenance and repair of  
327 automobiles, school buses and other mechanical and mobile  
328 equipment to use in a county school system;

329 (66) "Mechanic assistant" means a person employed as a  
330 mechanic apprentice and helper;

331       (67) “Multiclassification” means a person employed to  
332 perform tasks that involve the combination of two or more class  
333 titles in this section. In these instances the minimum salary scale  
334 is the higher pay grade of the class titles involved;

335       (68) “Office equipment repairman I” means a person  
336 employed as an office equipment repairman apprentice or helper;

337       (69) “Office equipment repairman II” means a person  
338 responsible for servicing and repairing all office machines and  
339 equipment. A person holding this class title is responsible for the  
340 purchase of parts necessary for the proper operation of a  
341 program of continuous maintenance and repair;

342       (70) “Painter” means a person employed to perform duties  
343 painting, finishing and decorating wood, metal and concrete  
344 surfaces of buildings, other structures, equipment, machinery  
345 and furnishings of a county school system;

346       (71) “Paraprofessional” means a person certified pursuant to  
347 section two-a, article three of this chapter to perform duties in a  
348 support capacity including, but not limited to, facilitating in the  
349 instruction and direct or indirect supervision of students under

350 the direction of a principal, a teacher or another designated  
351 professional educator.

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

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

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

366 (72) "Payroll supervisor" means a person employed in the  
367 county board office who has primary responsibility for the  
368 payroll function and who either has completed twelve college  
369 hours of accounting from an accredited institution of higher

370 education or has at least eight years of experience performing  
371 progressively difficult accounting tasks. Responsibilities of this  
372 class title may include supervision of other personnel;

373 (73) “Plumber I” means a person employed as an apprentice  
374 plumber and helper;

375 (74) “Plumber II” means a person employed as a journeyman  
376 plumber;

377 (75) “Printing operator” means a person employed to operate  
378 duplication equipment, and to cut, collate, staple, bind and  
379 shelve materials as required;

380 (76) “Printing supervisor” means a person employed to  
381 supervise the operation of a print shop;

382 (77) “Programmer” means a person employed to design and  
383 prepare programs for computer operation;

384 (78) “Roofing/sheet metal mechanic” means a person  
385 employed to install, repair, fabricate and maintain roofs, gutters,  
386 flashing and duct work for heating and ventilation;

387 (79) “Sanitation plant operator” means a person employed  
388 to operate and maintain a water or sewage treatment plant to

389 ensure the safety of the plant's effluent for human consumption  
390 or environmental protection;

391 (80) "School bus supervisor" means a qualified person:

392 (A) Employed to assist in selecting school bus operators and  
393 routing and scheduling school buses, operate a bus when needed,  
394 relay instructions to bus operators, plan emergency routing of  
395 buses and promote good relationships with parents, students, bus  
396 operators and other employees; and

397 (B) Certified to operate a bus or previously certified to  
398 operate a bus;

399 (81) "Secretary I" means a person employed to transcribe  
400 from notes or mechanical equipment, receive callers, perform  
401 clerical tasks, prepare reports and operate office machines;

402 (82) "Secretary II" means a person employed in any  
403 elementary, secondary, kindergarten, nursery, special education,  
404 vocational, or any other school as a secretary. The duties may  
405 include performing general clerical tasks; transcribing from  
406 notes; stenotype, mechanical equipment or a sound-producing  
407 machine; preparing reports; receiving callers and referring them  
408 to proper persons; operating office machines; keeping records

409 and handling routine correspondence. Nothing in this subdivision  
410 prevents a service person from holding or being elevated to a  
411 higher classification;

412 (83) “Secretary III” means a person assigned to the county  
413 board office administrators in charge of various instructional,  
414 maintenance, transportation, food services, operations and health  
415 departments, federal programs or departments with particular  
416 responsibilities in purchasing and financial control or any person  
417 who has served for eight years in a position which meets the  
418 definition of “Secretary II” or “Secretary III”;

419 (84) “Sign Support Specialist” means a person employed to  
420 provide sign supported speech assistance to students who are  
421 able to access environments through audition. A person who has  
422 held or holds an aide title and becomes employed as a sign  
423 support specialist shall hold a multiclassification status that  
424 includes both aide and sign support specialist titles, in  
425 accordance with section eight-b of this article.

426 (85) “Supervisor of maintenance” means a skilled person  
427 who is not a professional person or professional educator as  
428 defined in section one, article one of this chapter. The

429 responsibilities include directing the upkeep of buildings and  
430 shops, and issuing instructions to subordinates relating to  
431 cleaning, repairs and maintenance of all structures and  
432 mechanical and electrical equipment of a county board;

433 (86) “Supervisor of transportation” means a qualified person  
434 employed to direct school transportation activities properly and  
435 safely, and to supervise the maintenance and repair of vehicles,  
436 buses and other mechanical and mobile equipment used by the  
437 county school system. After July 1, 2010, all persons employed  
438 for the first time in a position with this classification title or in  
439 a multiclassification position that includes this title shall have  
440 five years of experience working in the transportation  
441 department of a county board. Experience working in the  
442 transportation department consists of serving as a bus operator,  
443 bus aide, assistant mechanic, mechanic, chief mechanic or in a  
444 clerical position within the transportation department;

445 (87) “Switchboard operator-receptionist” means a person  
446 employed to refer incoming calls, to assume contact with the  
447 public, to direct and to give instructions as necessary, to operate  
448 switchboard equipment and to provide clerical assistance;

449 (88) “Truck driver” means a person employed to operate  
450 light or heavy duty gasoline and diesel-powered vehicles;

451 (89) “Warehouse clerk” means a person employed to be  
452 responsible for receiving, storing, packing and shipping goods;

453 (90) “Watchman” means a person employed to protect  
454 school property against damage or theft. Additional assignments  
455 may include operation of a small heating plant and routine  
456 cleaning duties;

457 (91) “Welder” means a person employed to provide  
458 acetylene or electric welding services for a school system; and

459 (92) “WVEIS data entry and administrative clerk” means a  
460 person employed to work under the direction of a school  
461 principal to assist the school counselor or counselors in the  
462 performance of administrative duties, to perform data entry tasks  
463 on the West Virginia Education Information System, and to  
464 perform other administrative duties assigned by the principal.

465 (j) Notwithstanding any provision in this code to the  
466 contrary, and in addition to the compensation provided for  
467 service personnel in section eight-a of this article, each service  
468 person is entitled to all service personnel employee rights,

469 privileges and benefits provided under this or any other chapter  
470 of this code without regard to the employee's hours of  
471 employment or the methods or sources of compensation.

472 (k) A service person whose years of employment exceeds the  
473 number of years shown and provided for under the state  
474 minimum pay scale set forth in section eight-a of this article may  
475 not be paid less than the amount shown for the maximum years  
476 of employment shown and provided for in the classification in  
477 which he or she is employed.

478 (l) Each county board shall review each service person's job  
479 classification annually and shall reclassify all service persons as  
480 required by the job classifications. The state superintendent may  
481 withhold state funds appropriated pursuant to this article for  
482 salaries for service personnel who are improperly classified by  
483 the county boards. Further, the state superintendent shall order  
484 a county board to correct immediately any improper  
485 classification matter and, with the assistance of the Attorney  
486 General, shall take any legal action necessary against any county  
487 board to enforce the order.

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

490 (1) Reclassified by class title; or

491 (2) Relegated to any condition of employment which would  
492 result in a reduction of his or her salary, rate of pay,  
493 compensation or benefits earned during the current fiscal year;  
494 or for which he or she would qualify by continuing in the same  
495 job position and classification held during that fiscal year and  
496 subsequent years.

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

502 (o) Notwithstanding any provision of this code to the  
503 contrary, a service person who holds a continuing contract in a  
504 specific job classification and who is physically unable to  
505 perform the job's duties as confirmed by a physician chosen by  
506 the employee, shall be given priority status over any employee  
507 not holding a continuing contract in filling other service

508 personnel job vacancies if the service person is qualified as  
509 provided in section eight-e of this article.

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

514 (q) Without the written consent of the service person, a  
515 county board may not establish the beginning work station for a  
516 bus operator or transportation aide at any site other than a county  
517 board-owned facility with available parking. The workday of the  
518 bus operator or transportation aide commences at the bus at the  
519 designated beginning work station and ends when the employee  
520 is able to leave the bus at the designated beginning work station,  
521 unless he or she agrees otherwise in writing. The application or  
522 acceptance of a posted position may not be construed as the  
523 written consent referred to in this subsection.

524 (r) Itinerant status means a service person who does not have  
525 a fixed work site and may be involuntarily reassigned to another  
526 work site. A service person is considered to hold itinerant status  
527 if he or she has bid upon a position posted as itinerant or has

528 agreed to accept this status. A county board may establish  
529 positions with itinerant status only within the aide and autism  
530 mentor classification categories and only when the job duties  
531 involve exceptional students. A service person with itinerant  
532 status may be assigned to a different work site upon written  
533 notice ten days prior to the reassignment without the consent of  
534 the employee and without posting the vacancy. A service person  
535 with itinerant status may be involuntarily reassigned no more  
536 than twice during the school year. At the conclusion of each  
537 school year, the county board shall post and fill, pursuant to  
538 section eight-b of this article, all positions that have been filled  
539 without posting by a service person with itinerant status. A  
540 service person who is assigned to a beginning and ending work  
541 site and travels at the expense of the county board to other work  
542 sites during the daily schedule, is not considered to hold itinerant  
543 status.

544 (s) Any service person holding a classification title on June  
545 30, 2013, that is removed from the classification schedule  
546 pursuant to amendment and reenactment of this section in the

547 year 2013, has his or her employment contract revised as  
548 follows:

549 (1) Any service person holding the Braille or Sign Language  
550 Specialist classification title has that classification title renamed  
551 on his or her employment contract as either Braille Specialist or  
552 Sign Support Specialist. This action does not result in a loss or  
553 reduction of salary or supplement by any employee. Any  
554 seniority earned in the Braille or Sign Language Specialist  
555 classification prior to July 1, 2013, continues to be credited as  
556 seniority earned in the Braille Specialist or Sign Support  
557 Specialist classification;

558 (2) Any service person holding the Paraprofessional  
559 classification title and holding the Initial Paraprofessional  
560 Certificate – Educational Interpreter has the title Educational  
561 Sign Language Interpreter I added to his or her employment  
562 contract. This action does not result in a loss or reduction of  
563 salary or supplement by any employee. Any seniority earned in  
564 the Paraprofessional classification prior to July 1, 2013,  
565 continues to be credited as seniority earned in the Educational  
566 Sign Language Interpreter I classification; and

567 (3) Any service person holding the Paraprofessional  
568 classification title and holding the Permanent Paraprofessional  
569 Certificate – Educational Interpreter has the title Educational  
570 Sign Language Interpreter II added to his or her employment  
571 contract. This action does not result in a loss or reduction of  
572 salary or supplement by any employee. Any seniority earned in  
573 the Paraprofessional classification prior to July 1, 2013,  
574 continues to be credited as seniority earned in the Educational  
575 Sign Language Interpreter II classification;

576 (t) Any person employed as an aide in a kindergarten  
577 program who is eligible for full retirement benefits before July  
578 1, 2020, may not be subject to a reduction in force or transferred  
579 to create a vacancy for the employment of a less senior Early  
580 Childhood Classroom Assistant Teacher;

581 (u) A person who has held or holds an aide title and becomes  
582 employed as an Early Childhood Classroom Assistant Teacher  
583 shall hold a multiclassification status that includes aide and/or  
584 paraprofessional titles in accordance with section eight-b of this  
585 article.

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

1 (a) The minimum monthly pay for each service employee  
2 shall be as follows:

3 (1) Beginning July 1, 2014, and continuing thereafter, the  
4 minimum monthly pay for each service employee whose  
5 employment is for a period of more than three and one-half  
6 hours a day shall be at least the amounts indicated in the State  
7 Minimum Pay Scale Pay Grade and the minimum monthly pay  
8 for each service employee whose employment is for a period of  
9 three and one-half hours or less a day shall be at least one-half  
10 the amount indicated in the State Minimum Pay Scale Pay Grade  
11 set forth in this subdivision.

12 STATE MINIMUM PAY SCALE PAY GRADE

13	Years Exp.	Pay Grade							
		<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
14	0	1,660	1,681	1,723	1,776	1,829	1,892	1,924	1,997
15	1	1,692	1,714	1,755	1,808	1,862	1,925	1,956	2,030
16	2	1,725	1,746	1,788	1,841	1,894	1,957	1,989	2,062
17	3	1,757	1,779	1,821	1,874	1,927	1,990	2,022	2,095
18	4	1,790	1,812	1,853	1,906	1,959	2,023	2,054	2,129
19	5	1,823	1,844	1,886	1,939	1,992	2,055	2,087	2,161

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20	6	1,855	1,877	1,920	1,972	2,025	2,088	2,120	2,194
21	7	1,889	1,909	1,952	2,004	2,057	2,121	2,152	2,227
22	8	1,922	1,942	1,985	2,037	2,090	2,153	2,185	2,259
23	9	1,954	1,975	2,018	2,071	2,123	2,186	2,217	2,292
24	10	1,987	2,008	2,050	2,103	2,155	2,220	2,251	2,325
25	11	2,020	2,041	2,083	2,136	2,188	2,252	2,284	2,357
26	12	2,052	2,074	2,115	2,169	2,222	2,285	2,316	2,390
27	13	2,085	2,106	2,148	2,201	2,254	2,317	2,349	2,423
28	14	2,118	2,139	2,181	2,234	2,287	2,350	2,382	2,455
29	15	2,150	2,172	2,213	2,266	2,319	2,383	2,414	2,488
30	16	2,183	2,204	2,246	2,299	2,352	2,415	2,447	2,521
31	17	2,215	2,237	2,280	2,332	2,385	2,448	2,480	2,554
32	18	2,248	2,270	2,312	2,364	2,417	2,481	2,512	2,587
33	19	2,282	2,302	2,345	2,397	2,450	2,513	2,545	2,619
34	20	2,314	2,335	2,378	2,431	2,483	2,546	2,578	2,653
35	21	2,347	2,367	2,410	2,463	2,515	2,579	2,610	2,687
36	22	2,380	2,401	2,443	2,496	2,548	2,612	2,644	2,719
37	23	2,412	2,434	2,476	2,529	2,582	2,646	2,678	2,753
38	24	2,445	2,466	2,508	2,561	2,614	2,680	2,711	2,787
39	25	2,478	2,499	2,541	2,594	2,648	2,712	2,745	2,819
40	26	2,510	2,532	2,573	2,628	2,682	2,746	2,777	2,853
41	27	2,543	2,564	2,606	2,660	2,714	2,778	2,811	2,886
42	28	2,576	2,597	2,640	2,694	2,748	2,812	2,845	2,920
43	29	2,608	2,631	2,673	2,726	2,781	2,846	2,877	2,954
44	30	2,642	2,663	2,707	2,760	2,814	2,878	2,911	2,987
45	31	2,675	2,697	2,741	2,794	2,848	2,912	2,945	3,020

46	32	2,709	2,730	2,773	2,827	2,880	2,946	2,977	3,054
47	33	2,743	2,763	2,807	2,861	2,914	2,978	3,011	3,087
48	34	2,775	2,797	2,841	2,895	2,948	3,012	3,045	3,120
49	35	2,809	2,831	2,873	2,927	2,980	3,046	3,078	3,154
50	36	2,843	2,864	2,907	2,961	3,015	3,079	3,112	3,186
51	37	2,875	2,898	2,941	2,995	3,049	3,113	3,145	3,220
52	38	2,909	2,930	2,973	3,027	3,081	3,146	3,178	3,254
53	39	2,943	2,964	3,007	3,061	3,115	3,179	3,212	3,286
54	40	2,975	2,998	3,040	3,094	3,149	3,213	3,245	3,320

55 (2) Each service employee shall receive the amount  
 56 prescribed in the Minimum Pay Scale in accordance with the  
 57 provisions of this subsection according to their class title and pay  
 58 grade as set forth in this subdivision:

59	CLASS TITLE	PAY GRADE
60	Accountant I .....	D
61	Accountant II .....	E
62	Accountant III .....	F
63	Accounts Payable Supervisor .....	G
64	Aide I .....	A
65	Aide II .....	B
66	Aide III .....	C

67	Aide IV .....	D
68	Audiovisual Technician .....	C
69	Auditor .....	G
70	Autism Mentor .....	F
71	Braille Specialist .....	E
72	Bus Operator .....	D
73	Buyer .....	F
74	Cabinetmaker .....	G
75	Cafeteria Manager .....	D
76	Carpenter I .....	E
77	Carpenter II .....	F
78	Chief Mechanic .....	G
79	Clerk I .....	B
80	Clerk II .....	C
81	Computer Operator .....	E
82	Cook I .....	A
83	Cook II .....	B
84	Cook III .....	C
85	Crew Leader .....	F
86	Custodian I .....	A

87	Custodian II .....	B
88	Custodian III .....	C
89	Custodian IV .....	D
90	Director or Coordinator of Services .....	H
91	Draftsman .....	D
92	Early Childhood Classroom Assistant Teacher =	
93	<del>Temporary Authorization I</del> .....	E
94	Early Childhood Classroom Assistant Teacher =	
95	<del>Permanent Authorization II</del> .....	E
96	Early Childhood Classroom Assistant Teacher =	
97	<del>Paraprofessional Certificate III</del> .....	F
98	Educational Sign Language Interpreter I .....	F
99	Educational Sign Language Interpreter II .....	G
100	Electrician I .....	F
101	Electrician II .....	G
102	Electronic Technician I .....	F
103	Electronic Technician II .....	G
104	Executive Secretary .....	G
105	Food Services Supervisor .....	G
106	Foreman .....	G

107	General Maintenance .....	C
108	Glazier .....	D
109	Graphic Artist .....	D
110	Groundsman .....	B
111	Handyman .....	B
112	Heating and Air Conditioning Mechanic I .....	E
113	Heating and Air Conditioning Mechanic II .....	G
114	Heavy Equipment Operator .....	E
115	Inventory Supervisor .....	D
116	Key Punch Operator .....	B
117	Licensed Practical Nurse.....	F
118	Locksmith.....	G
119	Lubrication Man .....	C
120	Machinist .....	F
121	Mail Clerk .....	D
122	Maintenance Clerk .....	C
123	Mason .....	G
124	Mechanic .....	F
125	Mechanic Assistant .....	E
126	Office Equipment Repairman I .....	F

127	Office Equipment Repairman II .....	G
128	Painter .....	E
129	Paraprofessional .....	F
130	Payroll Supervisor .....	G
131	Plumber I .....	E
132	Plumber II .....	G
133	Printing Operator .....	B
134	Printing Supervisor .....	D
135	Programmer .....	H
136	Roofing/Sheet Metal Mechanic .....	F
137	Sanitation Plant Operator .....	G
138	School Bus Supervisor .....	E
139	Secretary I .....	D
140	Secretary II .....	E
141	Secretary III .....	F
142	Sign Support Specialist .....	E
143	Supervisor of Maintenance .....	H
144	Supervisor of Transportation .....	H
145	Switchboard Operator-Receptionist .....	D
146	Truck Driver .....	D

147 Warehouse Clerk ..... C  
148 Watchman ..... B  
149 Welder ..... F  
150 WVEIS Data Entry and Administrative Clerk ..... B

151 (b) An additional \$12 per month is added to the minimum  
152 monthly pay of each service person who holds a high school  
153 diploma or its equivalent.

154 (c) An additional \$11 per month also is added to the  
155 minimum monthly pay of each service person for each of the  
156 following:

157 (1) A service person who holds twelve college hours or  
158 comparable credit obtained in a trade or vocational school as  
159 approved by the state board;

160 (2) A service person who holds twenty-four college hours or  
161 comparable credit obtained in a trade or vocational school as  
162 approved by the state board;

163 (3) A service person who holds thirty-six college hours or  
164 comparable credit obtained in a trade or vocational school as  
165 approved by the state board;

166 (4) A service person who holds forty-eight college hours or  
167 comparable credit obtained in a trade or vocational school as  
168 approved by the state board;

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

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

175 (7) A service person who holds eighty-four college hours or  
176 comparable credit obtained in a trade or vocational school as  
177 approved by the state board;

178 (8) A service person who holds ninety-six college hours or  
179 comparable credit obtained in a trade or vocational school as  
180 approved by the state board;

181 (9) A service person who holds one hundred eight college  
182 hours or comparable credit obtained in a trade or vocational  
183 school as approved by the state board;

184 (10) A service person who holds one hundred twenty college  
185 hours or comparable credit obtained in a trade or vocational  
186 school as approved by the state board.

187 (d) An additional \$40 per month also is added to the  
188 minimum monthly pay of each service person for each of the  
189 following:

190 (1) A service person who holds an associate's degree;

191 (2) A service person who holds a bachelor's degree;

192 (3) A service person who holds a master's degree;

193 (4) A service person who holds a doctorate degree.

194 (e) An additional \$11 per month is added to the minimum  
195 monthly pay of each service person for each of the following:

196 (1) A service person who holds a bachelor's degree plus  
197 fifteen college hours;

198 (2) A service person who holds a master's degree plus  
199 fifteen college hours;

200 (3) A service person who holds a master's degree plus thirty  
201 college hours;

202 (4) A service person who holds a master's degree plus  
203 forty-five college hours; and

204 (5) A service person who holds a master's degree plus sixty  
205 college hours.

206 (f) To meet the objective of salary equity among the  
207 counties, each service person is paid an equity supplement, as set  
208 forth in section five of this article, of \$164 per month, subject to  
209 the provisions of that section. These payments: (i) Are in  
210 addition to any amounts prescribed in the applicable State  
211 Minimum Pay Scale Pay Grade, any specific additional amounts  
212 prescribed in this section and article and any county supplement  
213 in effect in a county pursuant to section five-b of this article; (ii)  
214 are paid in equal monthly installments; and (iii) are considered  
215 a part of the state minimum salaries for service personnel.

216 (g) When any part of a school service person's daily shift of  
217 work is performed between the hours of six o'clock p. m. and  
218 five o'clock a. m. the following day, the employee is paid no less  
219 than an additional \$10 per month and one half of the pay is paid  
220 with local funds.

221 (h) Any service person required to work on any legal school  
222 holiday is paid at a rate one and one-half times the person's  
223 usual hourly rate.

224 (i) Any full-time service personnel required to work in  
225 excess of their normal working day during any week which

226 contains a school holiday for which they are paid is paid for the  
227 additional hours or fraction of the additional hours at a rate of  
228 one and one-half times their usual hourly rate and paid entirely  
229 from county board funds.

230 (j) A service person may not have his or her daily work  
231 schedule changed during the school year without the employee's  
232 written consent and the person's required daily work hours may  
233 not be changed to prevent the payment of time and one-half  
234 wages or the employment of another employee.

235 (k) The minimum hourly rate of pay for extra duty  
236 assignments as defined in section eight-b of this article is no less  
237 than one seventh of the person's daily total salary for each hour  
238 the person is involved in performing the assignment and paid  
239 entirely from local funds: *Provided*, That an alternative  
240 minimum hourly rate of pay for performing extra duty  
241 assignments within a particular category of employment may be  
242 used if the alternate hourly rate of pay is approved both by the  
243 county board and by the affirmative vote of a two-thirds majority  
244 of the regular full-time persons within that classification  
245 category of employment within that county: *Provided, however*,

246 That the vote is by secret ballot if requested by a service person  
247 within that classification category within that county. The salary  
248 for any fraction of an hour the employee is involved in  
249 performing the assignment is prorated accordingly. When  
250 performing extra duty assignments, persons who are regularly  
251 employed on a one-half day salary basis shall receive the same  
252 hourly extra duty assignment pay computed as though the person  
253 were employed on a full-day salary basis.

254 (l) The minimum pay for any service personnel engaged in  
255 the removal of asbestos material or related duties required for  
256 asbestos removal is their regular total daily rate of pay and no  
257 less than an additional \$3 per hour or no less than \$5 per hour for  
258 service personnel supervising asbestos removal responsibilities  
259 for each hour these employees are involved in asbestos-related  
260 duties. Related duties required for asbestos removal include, but  
261 are not limited to, travel, preparation of the work site, removal  
262 of asbestos, decontamination of the work site, placing and  
263 removal of equipment and removal of structures from the site. If  
264 any member of an asbestos crew is engaged in asbestos-related  
265 duties outside of the employee's regular employment county, the

266 daily rate of pay is no less than the minimum amount as  
267 established in the employee's regular employment county for  
268 asbestos removal and an additional \$30 per each day the  
269 employee is engaged in asbestos removal and related duties. The  
270 additional pay for asbestos removal and related duties shall be  
271 payable entirely from county funds. Before service personnel  
272 may be used in the removal of asbestos material or related  
273 duties, they shall have completed a federal Environmental  
274 Protection Act-approved training program and be licensed. The  
275 employer shall provide all necessary protective equipment and  
276 maintain all records required by the Environmental Protection  
277 Act.

278 (m) For the purpose of qualifying for additional pay as  
279 provided in section eight, article five of this chapter, an aide is  
280 considered to be exercising the authority of a supervisory aide  
281 and control over pupils if the aide is required to supervise,  
282 control, direct, monitor, escort or render service to a child or  
283 children when not under the direct supervision of a certified  
284 professional person within the classroom, library, hallway,  
285 lunchroom, gymnasium, school building, school grounds or

286 wherever supervision is required. For purposes of this section,  
287 “under the direct supervision of a certified professional person”  
288 means that certified professional person is present, with and  
289 accompanying the aide.

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

1 (a) A county board shall make decisions affecting  
2 promotions and the filling of any service personnel positions of  
3 employment or jobs occurring throughout the school year that  
4 are to be performed by service personnel as provided in section  
5 eight of this article, on the basis of seniority, qualifications and  
6 evaluation of past service.

7 (b) Qualifications means the applicant holds a classification  
8 title in his or her category of employment as provided in this  
9 section and is given first opportunity for promotion and filling  
10 vacancies. Other employees then shall be considered and shall  
11 qualify by meeting the definition of the job title that relates to  
12 the promotion or vacancy, as defined in section eight of this  
13 article. If requested by the employee, the county board shall  
14 show valid cause why a service person with the most seniority is  
15 not promoted or employed in the position for which he or she

16 applies. Qualified applicants shall be considered in the following  
17 order:

18 (1) Regularly employed service personnel who hold a  
19 classification title within the classification category of the  
20 vacancy;

21 (2) Service personnel who have held a classification title  
22 within the classification category of the vacancy whose  
23 employment has been discontinued in accordance with this  
24 section;

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

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

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

34 (6) Substitute service personnel who do not hold a  
35 classification title within the classification category of the  
36 vacancy; and

37 (7) New service personnel.

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

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

45 (1) A promotion includes a transfer to another classification  
46 category or place of employment if the position is not filled by  
47 an employee who holds a title within that classification category  
48 of employment.

49 (2) Each class title listed in section eight of this article is  
50 considered a separate classification category of employment for  
51 service personnel, except for those class titles having Roman  
52 numeral designations, which are considered a single  
53 classification of employment:

54 (A) The cafeteria manager class title is included in the same  
55 classification category as cooks;

56 (B) The executive secretary class title is included in the same  
57 classification category as secretaries;

58 (C) Paraprofessional, autism mentor, early classroom  
59 assistant teacher and braille or sign ~~language~~ support specialist  
60 class titles are included in the same classification category as  
61 aides; and

62 (D) The mechanic assistant and chief mechanic class titles  
63 are included in the same classification category as mechanics.

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

67 (4) Assignment of a custodian to work shifts in a school or  
68 work site is based on seniority within the custodian classification  
69 category.

70 (e) For purposes of determining seniority under this section  
71 a service person's seniority begins on the date that he or she  
72 enters into the assigned duties.

73 (f) *Extra-duty assignments.* —

74 (1) For the purpose of this section, "extra-duty assignment"  
75 means an irregular job that occurs periodically or occasionally

76 such as, but not limited to, field trips, athletic events, proms,  
77 banquets and band festival trips.

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

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

87 (B) An alternative procedure for making extra-duty  
88 assignments within a particular classification category of  
89 employment may be used if the alternative procedure is  
90 approved both by the county board and by an affirmative vote of  
91 two-thirds of the employees within that classification category  
92 of employment.

93 (g) County boards shall post and date notices of all job  
94 vacancies of existing or newly created positions in conspicuous

95 places for all school service personnel to observe for at least five  
96 working days.

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

99 (2) Notice of a job vacancy shall include the job description,  
100 the period of employment, the work site, the starting and ending  
101 time of the daily shift, the amount of pay and any benefits and  
102 other information that is helpful to prospective applicants to  
103 understand the particulars of the job. The notice of a job vacancy  
104 in the aide classification categories shall include the program or  
105 primary assignment of the position. Job postings for vacancies  
106 made pursuant to this section shall be written to ensure that the  
107 largest possible pool of qualified applicants may apply. Job  
108 postings may not require criteria which are not necessary for the  
109 successful performance of the job and may not be written with  
110 the intent to favor a specific applicant.

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

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

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

122 (i) The seniority of a service person is determined on the  
123 basis of the length of time the employee has been employed by  
124 the county board within a particular job classification. For the  
125 purpose of establishing seniority for a preferred recall list as  
126 provided in this section, a service person who has been  
127 employed in one or more classifications retains the seniority  
128 accrued in each previous classification.

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

132 (1) The employee with the least amount of seniority within  
133 that classification or grades of classification is properly released

134 and employed in a different grade of that classification if there  
135 is a job vacancy;

136 (2) If there is no job vacancy for employment within that  
137 classification or grades of classification, the service person is  
138 employed in any other job classification which he or she  
139 previously held with the county board if there is a vacancy and  
140 retains any seniority accrued in the job classification or grade of  
141 classification.

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

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

150 (2) The affected employee shall notify the county board of  
151 his or her intent to return to the former position of employment  
152 within five days of being notified or lose the right to be restored  
153 to the former position.

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

159 (4) If there are insufficient vacant positions to permit  
160 reemployment of all more senior employees on the preferred  
161 recall list within the classification category of the service person  
162 who was subject to reduction in force, the position of the  
163 released service person shall be posted and filled in accordance  
164 with this section.

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

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

174 (n) A service person placed upon the preferred recall list  
175 shall be recalled to any position openings by the county board  
176 within the classification(s) where he or she had previously been  
177 employed, to any lateral position for which the service person is  
178 qualified or to a lateral area for which a service person has  
179 certification and/or licensure.

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

184 (p) The county board shall notify all service personnel on the  
185 preferred recall list of all position openings that exist from time  
186 to time. The notice shall be sent by certified mail to the last  
187 known address of the service person. Each service person shall  
188 notify the county board of any change of address.

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

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

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

204 (1) A service person denied promotion or employment in  
205 violation of this section shall be awarded the job, pay and any  
206 applicable benefits retroactively to the date of the violation and  
207 shall be paid entirely from local funds.

208 (2) The county board is liable to any party prevailing against  
209 the board for any court reporter costs including copies of  
210 transcripts.

NOTE: The purpose of this bill is to redefine the service personnel class titles of early childhood classroom assistant teachers to smooth the transition of former early childhood aides to this new classification of school service personnel. The changes include protections from reduction in force or transfer for these aides eligible for full retirement benefits before July 1, 2020 to create vacancy for less senior early childhood

classroom assistant teacher; requiring an aide who becomes employed as early childhood classroom assistant teacher to hold certain multiclassification status; and including early childhood assistant classroom assistant teacher in same classification category as aides.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.





