

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2145

BY DELEGATES TONEY, HANSHAW (MR. SPEAKER) AND

ROHRBACH

[Originating in the Committee on Education;

March 22, 2021]

1 A BILL to amend and reenact §18A-4-8 and §18A-4-8a of the Code of West Virginia, 1931, as
2 amended, all relating to class titles for school service personnel; adding class titles for
3 Aide V and Aide VI and their associated qualifications, posting requirements; county
4 discretion; and respective pay grades.

Be it enacted by the Legislature of West Virginia:

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 term and class titles for
2 service personnel. The employment term for service personnel may not be less than 10 months.
3 A month is defined as 20 employment days. The county board may contract with, all or part of,
4 these service personnel for a longer term.

5 (b) Service personnel employed on a yearly or 12-month basis may be employed by
6 calendar months. Whenever there is a change in job assignment during the school year, the
7 minimum pay scale and any county supplement are applicable.

8 (c) Service personnel employed in the same classification for more than the 200-day
9 minimum employment term are paid for additional employment at a daily rate of not less than the
10 daily rate paid for the 200-day minimum employment term.

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

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

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

22 (1) A maintenance person means a person who holds a classification title other than in a
23 custodial, aide, school lunch, office or transportation category as provided in §18A-1-1 of this
24 code.

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

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

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

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

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

37 (h) A service person's contract, as provided in §18A-2-5 of this code, shall state the
38 appropriate monthly salary the employee is to be paid, based on the class title as provided in this
39 article and on any county salary schedule in excess of the minimum requirements of this article.

40 (i) The column heads of the state minimum pay scale and class titles, set forth in §18A-
41 48a of this code, are defined as follows:

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

43 ~~(2)~~ "Years of employment" means the number of years which an employee classified as a
44 service person has been employed by a county board in any position prior to or subsequent to

45 the effective date of this section and includes service in the Armed Forces of the United States, if
46 the employee was employed at the time of his or her induction. For the purpose of §18A-4-8a of
47 this code, years of employment is limited to the number of years shown and allowed under the
48 state minimum pay scale as set forth in §18A-4-8a of this code;

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

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

52 ~~(5)~~ "Accountant II" means a person employed to maintain accounting records and to be
53 responsible for the accounting process associated with billing, budgets, purchasing and related
54 operations;

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

57 ~~(7)~~ "Accounts payable supervisor" means a person employed in the county board office
58 who has primary responsibility for the accounts payable function and who either has completed
59 12 college hours of accounting courses from an accredited institution of higher education or has
60 at least eight years of experience performing progressively difficult accounting tasks.
61 Responsibilities of this class title may include supervision of other personnel;

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

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

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

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

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

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

76 (A) Has completed 18 hours of State Board-approved college credit at a regionally
77 accredited institution of higher education, or

78 (B) Has completed 15 hours of State Board-approved college credit at a regionally
79 accredited institution of higher education; and has successfully completed an in-service training
80 program determined by the state board to be the equivalent of three hours of college credit;

81 "Aide V (Special Education Assistant Teacher) – Temporary Authorization" means a
82 person who does not possess minimum requirements for the Aide V permanent authorization, but
83 is enrolled in and pursuing requirements as prescribed by the state board of education. No service
84 person shall be entitled to receive the paygrade associated with this classification unless he or
85 she has applied for and been selected to fill a posted position which specifically requires the
86 successful candidate to hold or be enrolled in and pursuing the requirements for the classification.
87 The determination as to whether a position will be posted requiring this classification is solely at
88 the discretion of the county;

89 "Aide V (Special Education Assistant Teacher)" means a service person referred to in the
90 "Aide I" classification who holds a high school diploma or a general educational development
91 certificate and who has completed the requirements and experience to be prescribed by the state
92 board of education. These classes are designed to improve skills and competency's related to
93 the provision of services to special needs students. No service person shall be entitled to receive
94 the paygrade associated with this classification unless he or she has applied for and been
95 selected to fill a posted position which specifically requires the successful candidate to hold or be

96 enrolled in and pursuing the requirements for the classification. The determination as to whether
97 a position will be posted requiring this classification is solely at the discretion of the county;

98 “Aide VI (Behavioral Support Assistant Teacher – Temporary Authorization)” means a
99 person who does not possess minimum requirements for the Aide VI permanent authorization,
100 but is enrolled in and pursuing the requirements as prescribed by the state board of education.
101 No service person shall be entitled to receive the paygrade associated with this classification
102 unless he or she has applied for and been selected to fill a posted position which specifically
103 requires the successful candidate to hold or be enrolled in and pursuing the requirements for the
104 classification. The determination as to whether a position will be posted requiring this
105 classification is solely at the discretion of the county;

106 “Aide VI (Behavioral Support Assistant Teacher)” means a person who works with a
107 student or students who have identified behavior difficulties, holds at least an Aide III classification
108 and has completed the requirements and experience to be prescribed by the state board of
109 education. No service person shall be entitled to receive the paygrade associated with this
110 classification unless he or she has applied for and been selected to fill a posted position which
111 specifically requires the successful candidate to hold or be enrolled in and pursuing the
112 requirements for the classification. The determination as to whether a position will be posted
113 requiring this classification is solely at the discretion of the county;

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

116 ~~(13)~~ “Auditor” means a person employed to examine and verify accounts of individual
117 schools and to assist schools and school personnel in maintaining complete and accurate records
118 of their accounts;

119 ~~(14)~~ “Autism mentor” means a person who works with autistic students and who meets
120 standards and experience to be determined by the state Board. A person who has held or holds

121 an aide title and becomes employed as an autism mentor shall hold a multiclassification status
122 that includes both aide and autism mentor titles, in accordance with §18A-4-8b of this code;

123 ~~(15)~~ "Braille specialist" means a person employed to provide braille assistance to students.

124 A service person who has held or holds an aide title and becomes employed as a braille specialist
125 shall hold a multiclassification status that includes both aide and braille specialist title, in
126 accordance with §18A-4-8b of this code;

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

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

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

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

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

139 ~~(21)~~ "Carpenter II" means a person classified as a journeyman carpenter;

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

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

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

146 ~~(25)~~ "Computer operator" means a qualified person employed to operate computers;

147 ~~(26)~~ “Cook I” means a person employed as a cook’s helper;

148 ~~(27)~~ “Cook II” means a person employed to interpret menus and to prepare and serve
149 meals in a food service program of a school. This definition includes a service person who has
150 been employed as a “Cook I” for a period of four years;

151 ~~(28)~~ “Cook III” means a person employed to prepare and serve meals, make reports,
152 prepare requisitions for supplies, order equipment and repairs for a food service program of a
153 school system;

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

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

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

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

160 ~~(33)~~ “Custodian IV” means a person employed as a head custodian. In addition to
161 providing services as defined in “Custodian III” duties may include supervising other custodian
162 personnel;

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

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

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

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

172 (D) Funding for the position of director or coordinator of services is based upon the
173 employment status of the director or coordinator either as a professional person or a service
174 person; and

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

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

181 ~~(36)~~ “Early Childhood Classroom Assistant Teacher I” means a person who does not
182 possess minimum requirements for the permanent authorization requirements, but is enrolled in
183 and pursuing requirements;

184 ~~(37)~~ “Early Childhood Classroom Assistant Teacher II” means a person who has
185 completed the minimum requirements for a state-awarded certificate for early childhood
186 classroom assistant teachers as determined by the state board;

187 ~~(38)~~ “Early Childhood Classroom Assistant Teacher III” means a person who has
188 completed permanent authorization requirements, as well as additional requirements comparable
189 to current paraprofessional certificate;

190 ~~(39)~~ “Educational Sign Language Interpreter I” means a person employed to provide
191 communication access across all educational environments to students who are deaf or hard of
192 hearing, and who holds the Initial Paraprofessional Certificate – Educational Interpreter pursuant
193 to state board policy;

194 ~~(40)~~ “Educational Sign Language Interpreter II” means a person employed to provide
195 communication access across all educational environments to students who are deaf or hard of
196 hearing, and who holds the Permanent Paraprofessional Certificate – Educational Interpreter
197 pursuant to state board policy;

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

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

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

204 ~~(44)~~ “Electronic technician II” means a person employed at the journeyman level to repair
205 and maintain electronic equipment;

206 ~~(45)~~ “Executive secretary” means a person employed as secretary to the county school
207 superintendent or as a secretary who is assigned to a position characterized by significant
208 administrative duties;

209 ~~(46)~~ “Food services supervisor” means a qualified person who is not a professional person
210 or professional educator as defined in §18A-1-1 of this code. The food services supervisor is
211 employed to manage and supervise a county school system’s food service program. The duties
212 include preparing in-service training programs for cooks and food service employees, instructing
213 personnel in the areas of quantity cooking with economy and efficiency and keeping aggregate
214 records and reports;

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

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

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

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

222 ~~(51)~~ “Groundsman” means a person employed to perform duties that relate to the
223 appearance, repair, and general care of school grounds in a county school system. Additional

224 assignments may include the operation of a small heating plant and routine cleaning duties in
225 buildings;

226 ~~(52)~~ "Handyman" means a person employed to perform routine manual tasks in any
227 operation of the county school system;

228 ~~(53)~~ "Heating and air conditioning mechanic I" means a person employed at the apprentice
229 level to install, repair and maintain heating and air conditioning plants and related electrical
230 equipment;

231 ~~(54)~~ "Heating and air conditioning mechanic II" means a person employed at the
232 journeyman level to install, repair, and maintain heating and air conditioning plants and related
233 electrical equipment;

234 ~~(55)~~ "Heavy equipment operator" means a person employed to operate heavy equipment;

235 ~~(56)~~ "Inventory supervisor" means a person employed to supervise or maintain operations
236 in the receipt, storage, inventory and issuance of materials and supplies;

237 ~~(57)~~ "Key punch operator" means a qualified person employed to operate key punch
238 machines or verifying machines;

239 ~~(58)~~ "Licensed practical nurse" means a nurse, licensed by the West Virginia Board of
240 Examiners for Licensed Practical Nurses, employed to work in a public school under the
241 supervision of a school nurse;

242 ~~(59)~~ "Locksmith" means a person employed to repair and maintain locks and safes;

243 ~~(60)~~ "Lubrication man" means a person employed to lubricate and service gasoline or
244 diesel-powered equipment of a county school system;

245 ~~(61)~~ "Machinist" means a person employed to perform machinist tasks which include the
246 ability to operate a lathe, planer, shaper, threading machine and wheel press. A person holding
247 this class title also should have the ability to work from blueprints and drawings;

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

250 ~~(63)~~ “Maintenance clerk” means a person employed to maintain and control a stocking
251 facility to keep adequate tools and supplies on hand for daily withdrawal for all school
252 maintenance crafts;

253 ~~(64)~~ “Mason” means a person employed to perform tasks connected with brick and block
254 laying and carpentry tasks related to these activities;

255 ~~(65)~~ “Mechanic” means a person employed to perform skilled duties independently in the
256 maintenance and repair of automobiles, school buses and other mechanical and mobile
257 equipment to use in a county school system;

258 ~~(66)~~ “Mechanic assistant” means a person employed as a mechanic apprentice and helper;

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

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

264 ~~(69)~~ “Office equipment repairman II” means a person responsible for servicing and
265 repairing all office machines and equipment. A person holding this class title is responsible for the
266 purchase of parts necessary for the proper operation of a program of continuous maintenance
267 and repair;

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

271 ~~(71)~~ “Paraprofessional” means a person certified pursuant to §18A-3-2a of this code to
272 perform duties in a support capacity including, but not limited to, facilitating in the instruction and
273 direct or indirect supervision of students under the direction of a principal, a teacher or another
274 designated professional educator.

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

278 (B) A person who has held or holds an aide title and becomes employed as a
279 paraprofessional shall hold a multiclassification status that includes both aide and
280 paraprofessional titles in accordance with §18A-4-8b of this code; and

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

284 ~~(72)~~ "Payroll supervisor" means a person employed in the county board office who has
285 primary responsibility for the payroll function and who either has completed 12 college hours of
286 accounting from an accredited institution of higher education or has at least eight years of
287 experience performing progressively difficult accounting tasks. Responsibilities of this class title
288 may include supervision of other personnel;

289 ~~(73)~~ "Plumber I" means a person employed as an apprentice plumber and helper;

290 ~~(74)~~ "Plumber II" means a person employed as a journeyman plumber;

291 ~~(75)~~ "Printing operator" means a person employed to operate duplication equipment, and
292 to cut, collate, staple, bind and shelve materials as required;

293 ~~(76)~~ "Printing supervisor" means a person employed to supervise the operation of a print
294 shop;

295 ~~(77)~~ "Programmer" means a person employed to design and prepare programs for
296 computer operation;

297 ~~(78)~~ "Roofing/sheet metal mechanic" means a person employed to install, repair, fabricate
298 and maintain roofs, gutters, flashing and duct work for heating and ventilation;

299 ~~(79)~~ “Sanitation plant operator” means a person employed to operate and maintain a water
300 or sewage treatment plant to ensure the safety of the plant’s effluent for human consumption or
301 environmental protection;

302 ~~(80)~~ “School bus supervisor” means a qualified person:

303 (A) Employed to assist in selecting school bus operators and routing and scheduling
304 school buses, operate a bus when needed, relay instructions to bus operators, plan emergency
305 routing of buses and promote good relationships with parents, students, bus operators and other
306 employees; and

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

308 ~~(81)~~ “Secretary I” means a person employed to transcribe from notes or mechanical
309 equipment, receive callers, perform clerical tasks, prepare reports, and operate office machines;

310 ~~(82)~~ “Secretary II” means a person employed in any elementary, secondary, kindergarten,
311 nursery, special education, vocational, or any other school as a secretary. The duties may include
312 performing general clerical tasks; transcribing from notes; stenotype, mechanical equipment, or
313 a sound-producing machine; preparing reports; receiving callers and referring them to proper
314 persons; operating office machines; keeping records and handling routine correspondence.
315 Nothing in this subdivision prevents a service person from holding or being elevated to a higher
316 classification;

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

322 ~~(84)~~ “Sign Support Specialist” means a person employed to provide sign supported
323 speech assistance to students who ~~are able to~~ can access environments through audition. A
324 person who has held or holds an aide title and becomes employed as a sign support specialist

325 shall hold a multiclassification status that includes both aide and sign support specialist titles, in
326 accordance with §18A-4-8b of this code.

327 ~~(85)~~ "Supervisor of maintenance" means a skilled person who is not a professional person
328 or professional educator as defined in §18A-1-1 of this code. The responsibilities include directing
329 the upkeep of buildings and shops, and issuing instructions to subordinates relating to cleaning,
330 repairs and maintenance of all structures and mechanical and electrical equipment of a county
331 board;

332 ~~(86)~~ "Supervisor of transportation" means a qualified person employed to direct school
333 transportation activities properly and safely, and to supervise the maintenance and repair of
334 vehicles, buses and other mechanical and mobile equipment used by the county school system.
335 After July 1, 2010, all persons employed for the first time in a position with this classification title
336 or in a multiclassification position that includes this title shall have five years of experience working
337 in the transportation department of a county board. Experience working in the transportation
338 department consists of serving as a bus operator, bus aide, assistant mechanic, mechanic, chief
339 mechanic or in a clerical position within the transportation department;

340 ~~(87)~~ "Switchboard operator-receptionist" means a person employed to refer incoming
341 calls, to assume contact with the public, to direct and to give instructions as necessary, to operate
342 switchboard equipment and to provide clerical assistance;

343 ~~(88)~~ "Truck driver" means a person employed to operate light or heavy duty gasoline and
344 diesel-powered vehicles;

345 ~~(89)~~ "Warehouse clerk" means a person employed to be responsible for receiving, storing,
346 packing, and shipping goods;

347 ~~(90)~~ "Watchman" means a person employed to protect school property against damage
348 or theft. Additional assignments may include operation of a small heating plant and routine
349 cleaning duties;

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

352 ~~(92)~~ “WVEIS data entry and administrative clerk” means a person employed to work under
353 the direction of a school principal to assist the school counselor or counselors in the performance
354 of administrative duties, to perform data entry tasks on the West Virginia Education Information
355 System, and to perform other administrative duties assigned by the principal.

356 (j) Notwithstanding any provision in this code to the contrary, and in addition to the
357 compensation provided for service personnel in §18A-4-8a of this code, each service person is
358 entitled to all service personnel employee rights, privileges and benefits provided under this or
359 any other chapter of this code without regard to the employee’s hours of employment or the
360 methods or sources of compensation.

361 (k) A service person whose years of employment exceeds the number of years shown and
362 provided for under the state minimum pay scale set forth in §18A-4-8a of this code may not be
363 paid less than the amount shown for the maximum years of employment shown and provided for
364 in the classification in which he or she is employed.

365 (l) Each county board shall review each service person’s job classification annually and
366 shall reclassify all service persons as required by the job classifications. The state superintendent
367 may withhold state funds appropriated pursuant to this article for salaries for service personnel
368 who are improperly classified by the county boards. Further, the state superintendent shall order
369 a county board to ~~correct immediately~~ immediately correct any improper classification matter and,
370 with the assistance of the Attorney General, shall take any legal action necessary against any
371 county board to enforce the order.

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

373 (1) Reclassified by class title; or

374 (2) Relegated to any condition of employment which would result in a reduction of his or
375 her salary, rate of pay, compensation or benefits earned during the current fiscal year; or for which

376 he or she would qualify by continuing in the same job position and classification held during that
377 fiscal year and subsequent years.

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

381 (o) Notwithstanding any provision of this code to the contrary, a service person who holds
382 a continuing contract in a specific job classification and who is physically unable to perform the
383 job's duties as confirmed by a physician chosen by the employee, shall be given priority status
384 over any employee not holding a continuing contract in filling other service personnel job
385 vacancies if the service person is qualified as provided in §18A-4-8e of this code.

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

389 (q) Without the written consent of the service person, a county board may not establish
390 the beginning work station for a bus operator or transportation aide at any site other than a county
391 board-owned facility with available parking. The workday of the bus operator or transportation
392 aide commences at the bus at the designated beginning work station and ends when the
393 employee is able to leave the bus at the designated beginning work station, unless he or she
394 agrees otherwise in writing. The application or acceptance of a posted position may not be
395 construed as the written consent referred to in this subsection.

396 (r) Itinerant status means a service person who does not have a fixed work site and may
397 be involuntarily reassigned to another work site. A service person is considered to hold itinerant
398 status if he or she has bid upon a position posted as itinerant or has agreed to accept this status.
399 A county board may establish positions with itinerant status only within the aide and autism mentor
400 classification categories and only when the job duties involve exceptional students. A service
401 person with itinerant status may be assigned to a different work site upon written notice 10 days

402 prior to the reassignment without the consent of the employee and without posting the vacancy.
403 A service person with itinerant status may be involuntarily reassigned no more than twice during
404 the school year. At the conclusion of each school year, the county board shall post and fill,
405 pursuant to §18A-4-8b of this code, all positions that have been filled without posting by a service
406 person with itinerant status. A service person who is assigned to a beginning and ending work
407 site and travels at the expense of the county board to other work sites during the daily schedule,
408 is not considered to hold itinerant status.

409 (s) Any service person holding a classification title on June 30, 2013, that is removed from
410 the classification schedule pursuant to amendment and reenactment of this section in the year
411 2013, has his or her employment contract revised as follows:

412 (1) Any service person holding the Braille or Sign Language Specialist classification title
413 has that classification title renamed on his or her employment contract as either Braille Specialist
414 or Sign Support Specialist. This action does not result in a loss or reduction of salary or
415 supplement by any employee. Any seniority earned in the Braille or Sign Language Specialist
416 classification prior to July 1, 2013, continues to be credited as seniority earned in the Braille
417 Specialist or Sign Support Specialist classification;

418 (2) Any service person holding the Paraprofessional classification title and holding the
419 Initial Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
420 Language Interpreter I added to his or her employment contract. This action does not result in a
421 loss or reduction of salary or supplement by any employee. Any seniority earned in the
422 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned
423 in the Educational Sign Language Interpreter I classification; and

424 (3) Any service person holding the Paraprofessional classification title and holding the
425 Permanent Paraprofessional Certificate – Educational Interpreter has the title Educational Sign
426 Language Interpreter II added to his or her employment contract. This action does not result in a

427 loss or reduction of salary or supplement by any employee. Any seniority earned in the
428 Paraprofessional classification prior to July 1, 2013, continues to be credited as seniority earned
429 in the Educational Sign Language Interpreter II classification;

430 (t) Any person employed as an aide in a kindergarten program who is eligible for full
431 retirement benefits before the first day of the instructional term in the 2020-2021 school year, may
432 not be subject to a reduction in force or transferred to create a vacancy for the employment of a
433 less senior Early Childhood Classroom Assistant Teacher;

434 (u) A person who has held or holds an aide title and becomes employed as an Early
435 Childhood Classroom Assistant Teacher shall hold a multiclassification status that includes aide
436 and/or paraprofessional titles in accordance with §18A-4-8b of this code.

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

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

2 (1) For school year 2018–2019, the minimum monthly pay for each service employee
3 whose employment is for a period of more than three and one-half hours a day shall be at least
4 the amounts indicated in the State Minimum Pay Scale Pay Grade Schedule I and the minimum
5 monthly pay for each service employee whose employment is for a period of three and one-half
6 hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay
7 Scale Pay Grade Schedule I set forth in this subdivision: *Provided*, That for school year 2019-
8 2020, and continuing thereafter, the minimum monthly pay for each service employee whose
9 employment is for a period of more than three and one-half hours a day shall be at least the
10 amounts indicated in the State Minimum Pay Scale Pay Grade Schedule II and the minimum
11 monthly pay for each service employee whose employment is for a period of three and one-half
12 hours or less a day shall be at least one-half the amount indicated in the State Minimum Pay
13 Scale Pay Grade Schedule II set forth in this subdivision.

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE I

Years Exp.	PAY GRADE							
	A	B	C	D	E	F	G	H
0	1,770	1,791	1,833	1,886	1,939	2,002	2,034	2,107
1	1,802	1,824	1,865	1,918	1,972	2,035	2,066	2,140
2	1,835	1,856	1,898	1,951	2,004	2,067	2,099	2,172
3	1,867	1,889	1,931	1,984	2,037	2,100	2,132	2,205
4	1,900	1,922	1,963	2,016	2,069	2,133	2,164	2,239
5	1,933	1,954	1,996	2,049	2,102	2,165	2,197	2,271
6	1,965	1,987	2,030	2,082	2,135	2,198	2,230	2,304
7	1,999	2,019	2,062	2,114	2,167	2,231	2,262	2,337
8	2,032	2,052	2,095	2,147	2,200	2,263	2,295	2,369
9	2,064	2,085	2,128	2,181	2,233	2,296	2,327	2,402
10	2,097	2,118	2,160	2,213	2,265	2,330	2,361	2,435
11	2,130	2,151	2,193	2,246	2,298	2,362	2,394	2,467
12	2,162	2,184	2,225	2,279	2,332	2,395	2,426	2,500
13	2,195	2,216	2,258	2,311	2,364	2,427	2,459	2,533
14	2,228	2,249	2,291	2,344	2,397	2,460	2,492	2,565
15	2,260	2,282	2,323	2,376	2,429	2,493	2,524	2,598
16	2,293	2,314	2,356	2,409	2,462	2,525	2,557	2,631
17	2,325	2,347	2,390	2,442	2,495	2,558	2,590	2,664
18	2,358	2,380	2,422	2,474	2,527	2,591	2,622	2,697
19	2,392	2,412	2,455	2,507	2,560	2,623	2,655	2,729
20	2,424	2,445	2,488	2,541	2,593	2,656	2,688	2,763
21	2,457	2,477	2,520	2,573	2,625	2,689	2,720	2,797
22	2,490	2,511	2,553	2,606	2,658	2,722	2,754	2,829

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23	2,522	2,544	2,586	2,639	2,692	2,756	2,788	2,863
24	2,555	2,576	2,618	2,671	2,724	2,790	2,821	2,897
25	2,588	2,609	2,651	2,704	2,758	2,822	2,855	2,929
26	2,620	2,642	2,683	2,738	2,792	2,856	2,887	2,963
27	2,653	2,674	2,716	2,770	2,824	2,888	2,921	2,996
28	2,686	2,707	2,750	2,804	2,858	2,922	2,955	3,030
29	2,718	2,741	2,783	2,836	2,891	2,956	2,987	3,064
30	2,752	2,773	2,817	2,870	2,924	2,988	3,021	3,097
31	2,785	2,807	2,851	2,904	2,958	3,022	3,055	3,130
32	2,819	2,840	2,883	2,937	2,990	3,056	3,087	3,164
33	2,853	2,873	2,917	2,971	3,024	3,088	3,121	3,197
34	2,885	2,907	2,951	3,005	3,058	3,122	3,155	3,230
35	2,919	2,941	2,983	3,037	3,090	3,156	3,188	3,264
36	2,953	2,974	3,017	3,071	3,125	3,189	3,222	3,296
37	2,985	3,008	3,051	3,105	3,159	3,223	3,255	3,330
38	3,019	3,040	3,083	3,137	3,191	3,256	3,288	3,364
39	3,053	3,074	3,117	3,171	3,225	3,289	3,322	3,396
40	3,085	3,108	3,150	3,204	3,259	3,323	3,355	3,430

STATE MINIMUM PAY SCALE PAY GRADE SCHEDULE II

Years Exp.	PAY GRADE							
	A	B	C	D	E	F	G	H
0	1,885	1,906	1,948	2,001	2,054	2,117	2,149	2,222
1	1,917	1,939	1,980	2,033	2,087	2,150	2,181	2,255
2	1,950	1,971	2,013	2,066	2,119	2,182	2,214	2,287
3	1,982	2,004	2,046	2,099	2,152	2,215	2,247	2,320
4	2,015	2,037	2,078	2,131	2,184	2,248	2,279	2,354

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5	2,048	2,069	2,111	2,164	2,217	2,280	2,312	2,386
6	2,080	2,102	2,145	2,197	2,250	2,313	2,345	2,419
7	2,114	2,134	2,177	2,229	2,282	2,346	2,377	2,452
8	2,147	2,167	2,210	2,262	2,315	2,378	2,410	2,484
9	2,179	2,200	2,243	2,296	2,348	2,411	2,442	2,517
10	2,212	2,233	2,275	2,328	2,380	2,445	2,476	2,550
11	2,245	2,266	2,308	2,361	2,413	2,477	2,509	2,582
12	2,277	2,299	2,340	2,394	2,447	2,510	2,541	2,615
13	2,310	2,331	2,373	2,426	2,479	2,542	2,574	2,648
14	2,343	2,364	2,406	2,459	2,512	2,575	2,607	2,680
15	2,375	2,397	2,438	2,491	2,544	2,608	2,639	2,713
16	2,408	2,429	2,471	2,524	2,577	2,640	2,672	2,746
17	2,440	2,462	2,505	2,557	2,610	2,673	2,705	2,779
18	2,473	2,495	2,537	2,589	2,642	2,706	2,737	2,812
19	2,507	2,527	2,570	2,622	2,675	2,738	2,770	2,844
20	2,539	2,560	2,603	2,656	2,708	2,771	2,803	2,878
21	2,572	2,592	2,635	2,688	2,740	2,804	2,835	2,912
22	2,605	2,626	2,668	2,721	2,773	2,837	2,869	2,944
23	2,637	2,659	2,701	2,754	2,807	2,871	2,903	2,978
24	2,670	2,691	2,733	2,786	2,839	2,905	2,936	3,012
25	2,703	2,724	2,766	2,819	2,873	2,937	2,970	3,044
26	2,735	2,757	2,798	2,853	2,907	2,971	3,002	3,078
27	2,768	2,789	2,831	2,885	2,939	3,003	3,036	3,111
28	2,801	2,822	2,865	2,919	2,973	3,037	3,070	3,145
29	2,833	2,856	2,898	2,951	3,006	3,071	3,102	3,179
30	2,867	2,888	2,932	2,985	3,039	3,103	3,136	3,212
31	2,900	2,922	2,966	3,019	3,073	3,137	3,170	3,245
32	2,934	2,955	2,998	3,052	3,105	3,171	3,202	3,279
33	2,968	2,988	3,032	3,086	3,139	3,203	3,236	3,312

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34	3,000	3,022	3,066	3,120	3,173	3,237	3,270	3,345
35	3,034	3,056	3,098	3,152	3,205	3,271	3,303	3,379
36	3,068	3,089	3,132	3,186	3,240	3,304	3,337	3,411
37	3,100	3,123	3,166	3,220	3,274	3,338	3,370	3,445
38	3,134	3,155	3,198	3,252	3,306	3,371	3,403	3,479
39	3,168	3,189	3,232	3,286	3,340	3,404	3,437	3,511
40	3,200	3,223	3,265	3,319	3,374	3,438	3,470	3,545

14 (2) Each service employee shall receive the amount prescribed in the State Minimum Pay
 15 Scale Pay Grade in accordance with the provisions of this subsection according to their class title
 16 and pay grade as set forth in this subdivision:

17	CLASS TITLE	PAY GRADE
18	Accountant I	D
19	Accountant II	E
20	Accountant III	F
21	Accounts Payable Supervisor	G
22	Aide I	A
23	Aide II	B
24	Aide III	C
25	Aide IV	D
26	<u>Aide V – Temporary Authorization</u>	<u>E</u>
27	<u>Aide V</u>	<u>F</u>
28	<u>Aide VI – Temporary Authorization.....</u>	<u>E</u>
29	<u>Aide VI</u>	<u>F</u>
30	Audiovisual Technician	C
31	Auditor	G
32	Autism Mentor	F
33	Braille Specialist	E
34	Bus Operator	D
35	Buyer	F

36	Cabinetmaker	G
37	Cafeteria Manager	D
38	Carpenter I	E
39	Carpenter II	F
40	Chief Mechanic	G
41	Clerk I	B
42	Clerk II	C
43	Computer Operator	E
44	Cook I	A
45	Cook II	B
46	Cook III	C
47	Crew Leader	F
48	Custodian I	A
49	Custodian II	B
50	Custodian III	C
51	Custodian IV	D
52	Director or Coordinator of Services	H
53	Draftsman	D
54	Early Childhood Classroom Assistant Teacher I	E
55	Early Childhood Classroom Assistant Teacher II	E
56	Early Childhood Classroom Assistant Teacher III	F
57	Educational Sign Language Interpreter I	F
58	Educational Sign Language Interpreter II	G
59	Electrician I	F
60	Electrician II	G
61	Electronic Technician I	F
62	Electronic Technician II	G
63	Executive Secretary	G
64	Food Services Supervisor	G
65	Foreman	G

66	General Maintenance	C
67	Glazier	D
68	Graphic Artist	D
69	Groundsman	B
70	Handyman	B
71	Heating and Air Conditioning Mechanic I	E
72	Heating and Air Conditioning Mechanic II	G
73	Heavy Equipment Operator	E
74	Inventory Supervisor	D
75	Key Punch Operator	B
76	Licensed Practical Nurse	F
77	Locksmith	G
78	Lubrication Man	C
79	Machinist	F
80	Mail Clerk	D
81	Maintenance Clerk	C
82	Mason	G
83	Mechanic	F
84	Mechanic Assistant	E
85	Office Equipment Repairman I	F
86	Office Equipment Repairman II	G
87	Painter	E
88	Paraprofessional	F
89	Payroll Supervisor	G
90	Plumber I	E
91	Plumber II	G
92	Printing Operator	B
93	Printing Supervisor	D
94	Programmer	H
95	Roofing/Sheet Metal Mechanic	F

96	Sanitation Plant Operator	G
97	School Bus Supervisor	E
98	Secretary I	D
99	Secretary II	E
100	Secretary III	F
101	Sign Support Specialist	E
102	Supervisor of Maintenance	H
103	Supervisor of Transportation	H
104	Switchboard Operator-Receptionist	D
105	Truck Driver	D
106	Warehouse Clerk	C
107	Watchman	B
108	Welder	F
109	WVEIS Data Entry and Administrative Clerk	B

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

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

114 (1) A service person who holds 12 college hours or comparable credit obtained in a trade
115 or vocational school as approved by the state board;

116 (2) A service person who holds 24 college hours or comparable credit obtained in a trade
117 or vocational school as approved by the state board;

118 (3) A service person who holds 36 college hours or comparable credit obtained in a trade
119 or vocational school as approved by the state board;

120 (4) A service person who holds 48 college hours or comparable credit obtained in a trade
121 or vocational school as approved by the state board;

122 (5) A service employee who holds 60 college hours or comparable credit obtained in a
123 trade or vocational school as approved by the state board;

124 (6) A service person who holds 72 college hours or comparable credit obtained in a trade
125 or vocational school as approved by the state board;

126 (7) A service person who holds 84 college hours or comparable credit obtained in a trade
127 or vocational school as approved by the state board;

128 (8) A service person who holds 96 college hours or comparable credit obtained in a trade
129 or vocational school as approved by the state board;

130 (9) A service person who holds 108 college hours or comparable credit obtained in a trade
131 or vocational school as approved by the state board;

132 (10) A service person who holds 120 college hours or comparable credit obtained in a
133 trade or vocational school as approved by the state board.

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

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

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

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

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

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

142 (1) A service person who holds a bachelor's degree plus 15 college hours;

143 (2) A service person who holds a master's degree plus 15 college hours;

144 (3) A service person who holds a master's degree plus 30 college hours;

145 (4) A service person who holds a master's degree plus 45 college hours; and

146 (5) A service person who holds a master's degree plus 60 college hours.

147 (f) Each service person is paid a supplement, as set forth in §18A-4-5 of this code, of \$164
148 per month, subject to the provisions of that section. These payments: (i) Are in addition to any
149 amounts prescribed in the applicable State Minimum Pay Scale Pay Grade, any specific additional

150 amounts prescribed in this section and article and any county supplement in effect in a county
151 pursuant to §18A-4-5b of this code; (ii) are paid in equal monthly installments; and (iii) are
152 considered a part of the state minimum salaries for service personnel.

153 (g) When any part of a school service person's daily shift of work is performed between
154 the hours of 6:00 p. m. and 5:00 a. m. the following day, the employee is paid no less than an
155 additional \$10 per month and one half of the pay is paid with local funds.

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

158 (i) Any full-time service personnel required to work in excess of their normal working day
159 during any week which contains a school holiday for which they are paid is paid for the additional
160 hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate
161 and paid entirely from county board funds.

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

166 (k) The minimum hourly rate of pay for extra duty assignments as defined in §18A-4-8b of
167 this code is no less than one seventh of the person's daily total salary for each hour the person is
168 involved in performing the assignment and paid entirely from local funds: *Provided*, That an
169 alternative minimum hourly rate of pay for performing extra duty assignments within a particular
170 category of employment may be used if the alternate hourly rate of pay is approved both by the
171 county board and by the affirmative vote of a two-thirds majority of the regular full-time persons
172 within that classification category of employment within that county: *Provided, however*, That the
173 vote is by secret ballot if requested by a service person within that classification category within
174 that county. The salary for any fraction of an hour the employee is involved in performing the
175 assignment is prorated accordingly. When performing extra duty assignments, persons who are

176 regularly employed on a one-half day salary basis shall receive the same hourly extra duty
177 assignment pay computed as though the person were employed on a full-day salary basis.

178 (l) The minimum pay for any service personnel engaged in the removal of asbestos
179 material or related duties required for asbestos removal is their regular total daily rate of pay and
180 no less than an additional \$3 per hour or no less than \$5 per hour for service personnel
181 supervising asbestos removal responsibilities for each hour these employees are involved in
182 asbestos-related duties. Related duties required for asbestos removal include, but are not limited
183 to, travel, preparation of the work site, removal of asbestos, decontamination of the work site,
184 placing and removal of equipment and removal of structures from the site. If any member of an
185 asbestos crew is engaged in asbestos-related duties outside of the employee's regular
186 employment county, the daily rate of pay is no less than the minimum amount as established in
187 the employee's regular employment county for asbestos removal and an additional \$30 per each
188 day the employee is engaged in asbestos removal and related duties. The additional pay for
189 asbestos removal and related duties shall be payable entirely from county funds. Before service
190 personnel may be used in the removal of asbestos material or related duties, they shall have
191 completed a federal Environmental Protection Act-approved training program and be licensed.
192 The employer shall provide all necessary protective equipment and maintain all records required
193 by the Environmental Protection Act.

194 (m) For the purpose of qualifying for additional pay as provided in §18A-5-8 of this code,
195 an aide is considered to be exercising the authority of a supervisory aide and control over pupils
196 if the aide is required to supervise, control, direct, monitor, escort, or render service to a child or
197 children when not under the direct supervision of a certified professional person within the
198 classroom, library, hallway, lunchroom, gymnasium, school building, school grounds, or wherever
199 supervision is required. For purposes of this section, "under the direct supervision of a certified
200 professional person" means that certified professional person is present, with and accompanying
201 the aide.

CS for HB 2145

NOTE: The purpose of this bill is to add four student aide titles to the class titles for school personnel.

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