

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977

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Finance Committee Substitute for Education Committee Substitute
ENROLLED

for **SENATE BILL NO. 461**

(By Mr. *Beathorn, the President, original sponsor.*)

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1974 No. 461
PASSED *April 9* 1977

In Effect *July 1, 1977* ~~Passage~~

ENROLLED

FINANCE

COMMITTEE SUBSTITUTE

FOR

EDUCATION

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 461

(MR. BROTHERTON, MR. PRESIDENT, *original sponsor*)

[Passed April 9, 1977; in effect July 1, 1977.]

AN ACT to amend and reenact section eight, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to minimum monthly pay for school auxiliary and service employees; rights, privileges and benefits for such employees; and providing additional class titles.

Be it enacted by the Legislature of West Virginia:

That section eight, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Minimum monthly pay for service and auxiliary personnel.

- 1 The purpose of this section is to establish a state minimum
- 2 monthly pay scale and employment term for auxiliary and
- 3 service personnel. The employment term for auxiliary and

4 service personnel shall be no less than ten months, a month
5 being defined as twenty employment days: *Provided*, That the
6 county board of education may contract with all or part of such
7 personnel for a longer term. The beginning and closing dates
8 of the ten-month term shall not exceed forty-three weeks.
9 Auxiliary and service personnel employed on a yearly or
10 twelve-month basis may be employed by calendar months.
11 Whenever there is a change in job assignment during the
12 school year, the minimum pay scale and any county
13 supplement shall be applicable.

14 Auxiliary and service personnel employed in the same
15 classification for more than the two hundred day minimum
16 employment term shall be paid for such additional
17 employment at a daily rate of no less than the daily rate paid for
18 the two hundred day minimum employment term.

19 Upon the change in classification or upon meeting the
20 requirements of an advanced classification of or by any
21 employee, his salary shall be made to comply with the
22 requirements of this article, and to any county salary schedule
23 in excess of the minimum requirements of this article, based
24 upon his advanced classification and allowable years of
25 employment.

26 An employee's contract as provided in sections four and five,
27 article two of this chapter shall state the appropriate monthly
28 salary the employee is to be paid based on the class title as
29 provided in this article and any county salary schedule in
30 excess of the minimum requirements of this article.

31 The column heads of the state minimum pay scale and class
32 titles, set forth below are defined as follows:

33 "Pay grade" means the monthly salary applicable to class
34 titles of auxiliary and service personnel.

35 "Years of employment" means the number of years which
36 an employee classified as auxiliary or service personnel has
37 been employed by a board of education in any position prior to
38 or subsequent to the effective date of this section and
39 including service in the armed forces of the United States if the
40 employee were employed at the time of his induction. For the
41 purpose of this section, years of employment shall be limited
42 to the number of years shown and allowed under the state
43 minimum pay scale set forth hereinafter.

44 "Class title" means the name of the position or job held by
45 auxiliary and service personnel.

46 "Accountant I" means personnel employed to maintain
47 payroll records and reports and perform one or more
48 operations relating to a phase of the total payroll.

49 "Accountant II" means personnel employed to maintain
50 accounting records and to be responsible for the accounting
51 process associated with billing, budgets, purchasing and
52 related operations.

53 "Accountant III" means personnel who are employed in the
54 county board of education office to manage and supervise
55 accounts payable and/or payroll procedures.

56 "Aide I" means auxiliary personnel as defined in section
57 one, article one of this chapter.

58 "Aide II" means auxiliary personnel as defined in section
59 one, article one of this chapter who have completed a training
60 program approved by the state board of education.

61 "Audiovisual technician" means personnel employed to
62 perform minor maintenance on audiovisual equipment, films,
63 supplies and the filling of requests for equipment.

64 "Bus operator" means personnel employed to operate
65 school buses and other school transportation vehicles as
66 provided by the state board of education.

67 "Buyer" means personnel employed to review and write
68 specifications, negotiate purchase bids, recommend purchase
69 agreements for materials and services that meet
70 predetermined specifications at the lowest available costs.

71 "Cabinet maker" means personnel employed to construct
72 cabinets, tables, bookcases, and other furniture.

73 "Cafeteria manager" means personnel employed to direct
74 the operation of a food services program in a school, including
75 assigning duties to employees, approving requisitions for
76 supplies and repairs, keeping inventories, inspecting areas to
77 maintain high standards of sanitation, preparing financial
78 reports and keeping records pertinent to food services of a
79 school.

80 "Carpenter I" means personnel classified as a carpenter's
81 helper.

82 "Carpenter II" means personnel classified as a journeyman
83 carpenter.

84 "Chief mechanic" means personnel employed to be
85 responsible for directing activities which insure that student
86 transportation or other board-owned vehicles are properly and
87 safely maintained.

88 "Clerk I" means personnel employed to perform clerical
89 tasks.

90 "Clerk II" means personnel employed to perform general
91 clerical tasks, prepare reports and tabulations and operate
92 office machines.

93 "Computer operator" means qualified personnel employed
94 to operate computers.

95 "Cook I" means personnel employed as a cook's helper.

96 "Cook II" means personnel employed to interpret menus, to
97 prepare and serve meals in a food service program of a school
98 system.

99 "Cook III" means personnel employed to prepare and serve
100 meals, make reports, prepare requisitions for supplies, order
101 equipment and repairs for a food service program of a school
102 system.

103 "Crew leader" means personnel employed to organize the
104 work for a crew of maintenance employees to carry out
105 assigned projects.

106 "Custodian I" means personnel employed to keep buildings
107 clean and free of refuse.

108 "Custodian II" means personnel employed as a watchman or
109 groundsman.

110 "Custodian III" means personnel employed to keep
111 buildings clean and free of refuse, to operate the heating or
112 cooling systems and to make minor repairs.

113 "Custodian IV" means personnel employed as head
114 custodians. In addition to providing services as defined in
115 "Custodian III," their duties may include supervising other
116 custodian personnel.

117 "Director or coordinator of services" means personnel not
118 defined as professional personnel or professional educators in
119 section one, article one of this chapter, who are assigned to
120 direct a department or division.

121 "Draftsman" means personnel employed to plan, design and
122 produce detailed architectural/engineering drawings.

123 "Electrician I" means personnel employed as an apprentice
124 electrician helper or who holds an electrician helper license
125 issued by the state fire marshal.

126 "Electrician II" means personnel employed as an electrician
127 journeyman or who holds a journeyman electrician license
128 issued by the state fire marshal.

129 "Electronic technician I" means personnel employed at the
130 apprentice level to repair and maintain electronic equipment.

131 "Electronic technician II" means personnel employed at the
132 journeyman level to repair and maintain electronic
133 equipment.

134 "Executive secretary" means personnel employed as the
135 county school superintendent's secretary or as a secretary who
136 is assigned to a position characterized by significant
137 administrative duties.

138 "Food services supervisor" means qualified personnel not
139 defined as professional personnel or professional educators as
140 in section one, article one of this chapter, employed to manage
141 and supervise a county school system's food service program.
142 The duties would include preparing in-service training
143 programs for cooks and food service employees, instructing
144 personnel in the areas of quantity cooking with economy and
145 efficiency, and keeping aggregate records and reports.

146 "Foreman" means skilled persons employed for supervision
147 of personnel who work in the areas of repair and maintenance
148 of school property and equipment.

149 "General maintenance" means personnel employed as
150 helpers to skilled maintenance employees and to perform
151 minor repairs to equipment and buildings of a county school
152 system.

153 "Glazier" means personnel employed to replace glass or
154 other materials in windows and doors and to do minor
155 carpentry tasks.

156 "Graphic artist" means personnel employed to prepare
157 graphic illustrations.

158 "Groundsman" means personnel employed to perform
159 duties that relate to the appearance, repair and general care of
160 school grounds in a county school system. Additional
161 assignments may include the operation of a small heating
162 plant and routine cleaning duties in buildings.

163 "Handyman" means personnel employed to perform
164 routine manual tasks in any operation of the county school
165 system.

166 "Heating and air conditioning mechanic I" means personnel
167 employed at the apprentice level to install, repair, and
168 maintain heating and air conditioning plants and related
169 electrical equipment.

170 "Heating and air conditioning mechanic II" means
171 personnel employed at the journeyman level to install, repair
172 and maintain heating and air conditioning plants and related
173 electrical equipment.

174 "Heavy equipment operator" means personnel employed to
175 operate heavy equipment.

176 "Inventory supervisor" means personnel who are employed
177 to supervise or maintain operations in the receipt, storage,
178 inventory and issuance of materials and supplies.

179 "Key punch operator" means qualified personnel employed
180 to operate key punch machines or verifying machines.

181 "Locksmith" means personnel employed to repair and
182 maintain locks and safes.

183 "Lubrication man" means personnel employed to lubricate
184 and service gasoline or diesel-powered equipment of a county
185 school system.

186 "Machinist" means personnel employed to perform
187 machinist tasks which include the ability to operate a lathe,
188 planer, shaper, threading machine and wheel press. Such
189 personnel should also have ability to work from blueprints and
190 drawings.

191 "Maintenance clerk" means personnel employed to
192 maintain and control a stocking facility to keep adequate tools
193 and supplies on hand for daily withdrawal for all school
194 maintenance crafts.

195 "Mason" means personnel employed to perform tasks
196 connected with brick and block laying and carpentry tasks
197 related to such laying.

198 "Mechanic" means personnel employed who can
199 independently perform skilled duties in the maintenance and
200 repair of automobiles, school buses and other mechanical and
201 mobile equipment to use in a county school system.

202 "Mechanic assistant" means personnel employed as a
203 mechanic apprentice and helper.

204 "Office equipment repairman I" means personnel employed
205 as an office equipment repairman apprentice or helper.

206 "Office equipment repairman II" means personnel
207 responsible for servicing and repairing all office machines and
208 equipment. Such personnel shall be responsible for parts
209 being purchased necessary for the proper operation of a
210 program of continuous maintenance and repair.

211 "Painter" means personnel employed to perform duties of
212 painting, finishing and decorating of wood, metal and concrete
213 surfaces of buildings, other structures, equipment, machinery
214 and furnishings of a county school system.

215 "Plumber I" means personnel employed as an apprentice
216 plumber and helper.

217 "Plumber II" means personnel employed as a journeyman
218 plumber.

219 "Printing operator" means personnel employed to operate
220 duplication equipment, and as required, to cut, collate, staple,
221 bind and shelve materials.

222 "Printing supervisor" means personnel employed to
223 supervise the operation of a print shop.

224 "Programmer" means personnel employed to design and
225 prepare programs for computer operation.

226 "Roofing/sheet metal mechanic" means personnel
227 employed to install, repair, fabricate and maintain roofs,
228 gutters, flashing and duct work for heating and ventilation.

229 "School bus supervisor" means qualified personnel
230 employed to assist in selecting school bus operators and
231 routing and scheduling of school buses, operate a bus when
232 needed, relay instructions to bus operators, plan emergency
233 routing of buses and promote good relationships with parents,
234 pupils, bus operators and other employees.

235 "Secretary I" means personnel employed to transcribe from
236 notes or mechanic equipment, receive callers, perform clerical
237 tasks, prepare reports and operate office machines.

238 "Secretary II" means personnel employed as school, office
239 or program secretaries to perform general clerical tasks,
240 transcribe, prepare reports, receive callers and refer them to
241 proper persons, operate office machines, keep records and
242 handle routine correspondence.

243 "Secretary III" means personnel assigned to the county
244 board of education office administrators in charge of various
245 instructional, maintenance, transportation, food services,
246 operations and health departments, federal programs or
247 departments with particular responsibilities of purchasing
248 and financial control.

249 "Supervisor of maintenance" means skilled personnel not
250 defined as professional personnel or professional educators as
251 in section one, article one of this chapter. His responsibilities
252 would include directing the upkeep of buildings and shops,
253 issuing instructions to subordinates relating to cleaning,
254 repairs and maintenance of all structures, mechanical and
255 electrical equipment of a board of education.

256 "Supervisor of transportation" means qualified personnel
257 employed to direct school transportation activities, properly
258 and safely, and to supervise the maintenance and repair of
259 vehicles, buses, and other mechanical and mobile equipment
260 used by the county school system.

261 "Switchboard operator-receptionist" means personnel
262 employed to refer incoming calls, to assume contact with the
263 public, to direct and to give instructions as necessary, to
264 operate switchboard equipment, call director or other
265 supervising personnel, and to provide clerical assistance.

266 "Truck driver" means personnel employed to operate light
267 or heavy duty gasoline and diesel-powered vehicles.

268 "Warehouse clerk" means personnel employed to be
269 responsible for receiving, storing, packing and shipping
270 goods.

271 "Watchman" means personnel employed to protect school
272 property against damage or theft. Additional assignments may
273 include operation of a small heating plant and routine cleaning
274 duties.

275 "Welder" means personnel employed to provide acetylene
276 or electric welding services for a school system.

277 On and after the first day of July, one thousand nine hundred
278 seventy-seven, the minimum monthly pay for each auxiliary
279 and service employee whose employment is for a period of
280 more than three and one-half hours a day shall be at least the
281 amounts indicated in the following "State Minimum Pay
282 Scale", and the minimum monthly pay for each auxiliary or
283 service employee whose employment is for a period of three
284 and one-half hours or less a day shall be at least one half the
285 amount indicated in the following "State Minimum Pay
286 Scale":

STATE MINIMUM PAY SCALE

PAY GRADE		YEARS OF EMPLOYMENT													
		0	1	2	3	4	5	6	7	8	9	10	11	12	13
A.	Monthly	475	485	495	505	515	525	535	545	555	565	575	585	595	605
B.	Monthly	495	505	515	525	535	545	555	565	575	585	595	605	615	625
C.	Monthly	535	545	555	565	575	585	595	605	615	625	635	645	655	665
D.	Monthly	585	595	605	615	625	635	645	655	665	675	685	695	705	715
E.	Monthly	635	645	655	665	675	685	695	705	715	725	735	745	755	765
F.	Monthly	695	705	715	725	735	745	755	765	775	785	795	805	815	825
G.	Monthly	725	735	745	755	765	775	785	795	805	815	825	835	845	855
H.	Monthly	795	805	815	825	835	845	855	865	875	885	895	905	915	925

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Aide I	A
Aide II	B
Audiovisual Technician	C
Bus Operator	D
Buyer	F
Cabinet Maker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F

CLASS TITLE	PAY GRADE
Chief Mechanic	G
Clerk I	B
Clerk II	C
Computer Operator	E
Cook I	A
Cook II	B
Cook III	C
Crew Leader	F
Custodian I	A
Custodian II	B
Custodian III	C
Custodian IV	D

CLASS TITLE	PAY GRADE
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Director or Coordinator of Services	H
Draftsman	D
Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	F
Food Services Supervisor	E
Foreman	G
General Maintenance	C
Glazier	D
Graphic Artist	D
Groundsman	B
Handyman	B
Heating and Air Conditioning Mechanic I	E
Heating and Air Conditioning Mechanic II	G
Heavy Equipment Operator	E
Inventory Supervisor	D
Key Punch Operator	B
Locksmith	G
Lubrication Man	C
Machinist	F
Maintenance Clerk	C

CLASS TITLE	PAY GRADE
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Mason	G
Mechanic	F
Mechanic Assistant	E
Office Equipment Repairman I	F
Office Equipment Repairman II	G
Painter	E
Plumber I	E
Plumber II	G
Printing Operator	B
Printing Supervisor	D
Programmer	H
Roofing/Sheet Metal Mechanic	F
School Bus Supervisor	E
Secretary I	D
Secretary II	E
Secretary III	F
Supervisor of Maintenance	H
Supervisor of Transportation	H
Switchboard Operator-Receptionist	D
Truck Driver	D
Warehouse Clerk	C
Watchman	B
Welder	F

287 In addition to the compensation herein provided for
288 auxiliary and service personnel, each auxiliary and service
289 employee shall, notwithstanding any provisions in this code to
290 the contrary, be entitled to all auxiliary and service personnel
291 employee rights, privileges and benefits provided under this
292 or any other chapter of this code without regard to such
293 employee's hours of employment or the methods or sources of
294 compensation.

295 Auxiliary and service personnel whose years of employment
296 exceed the number of years shown and provided for under the
297 state minimum pay scale heretofore set forth shall not be paid
298 less than the amount shown for the maximum years of
299 employment shown and provided for in the classification in
300 which he is employed.

301 The county board of education may establish salary
302 schedules which shall be in excess of the state minimum fixed
303 by this article, such county schedules to be uniform
304 throughout the county with regard to any training
305 classification, experience, years of employment,
306 responsibility, duties, pupil participation, pupil enrollment,
307 size of buildings, operation of equipment or other
308 requirements. Uniformity shall apply to any additional salary
309 increments or compensation for all persons performing like
310 assignments and duties within the county. In establishing
311 such local salary schedules, no county, from the effective date
312 of this article, shall reduce local funds allocated for auxiliary
313 and service personnel salaries used for supplementing federal
314 and state funds provided for such salaries.

315 The state board of education is hereby authorized to
316 establish other class titles of auxiliary and service personnel
317 positions and jobs not listed in this section. The state board of
318 education is further authorized to provide appropriate pay
319 grades for such positions and jobs but pay shall be established
320 within the minimum salary scale of this section.

321 No auxiliary or service employee, without his written
322 consent, shall be reclassified by class title or relegated to any
323 condition of employment which would result in a reduction of
324 his salary earned during the current fiscal year or which would
325 result in a reduction of his salary for which he would qualify by
326 continuing in the same job position and classification held
327 during said fiscal year.

328 Any board failing to comply with the provisions of this

329 article may be compelled to do so by mandamus, and shall be
330 liable to any party prevailing against the board for court costs
331 and his reasonable attorney fee, as determined and established
332 by the court.

333 The provisions of this section shall become effective July
334 one, one thousand nine hundred seventy-seven.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence L. Johnston
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. Killan, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Bratherton
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within passed this the 26
day of April, 1977.

Paul R. Rouse
Governor

RECEIVED

APR 21 2 27 PM '77

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 26, 1977

Time 9:00 p.m.

RECEIVED

77 APR 27 P 6:29

OFFICE
SECY. OF STATE