

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975



ENROLLED

SENATE BILL NO. 121

(By Mr. *Willis and Mr. Gilligan*)



PASSED March 7, 1975

In Effect July 1, 1975 ~~1975~~



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(By MR. WILLIS and MR. GILLIGAN)

[Passed March 7, 1975; in effect July 1, 1975.]

AN ACT to repeal section eight-a, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight, article four of said chapter eighteen-a, all relating to minimum pay scales and employment terms for school auxiliary and service personnel; defining terms in this connection; relating to other rights, privileges and benefits of such personnel; authorizing county boards of education to establish higher salary schedules; relating to the authority of the state board of education in connection with the foregoing; relating to enforcement; providing an effective date; and said repealed section relating to the use of the foundation allowance for the employment, adjustment of and increase in the pay of such personnel and other provisions in connection therewith.

Be it enacted by the Legislature of West Virginia:

That section eight-a, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight, article four of said chapter eighteen-a be amended and reenacted to read as follows: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 mini-
- 2 mum monthly pay scale and employment term for auxilia-

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

15 Upon the change in classification or upon meeting the
16 requirements of an advanced classification of or by any
17 employee, his salary shall be made to comply with the
18 requirements of this article, and to any county salary
19 schedule in excess of the minimum requirements of this
20 article, based upon his advanced classification and allow-
21 able years of employment.

22 An employee's contract as provided in sections four
23 and five, article two, of this chapter shall state the ap-
24 propriate monthly salary the employee is to be paid
25 based on the class title as provided in this article and
26 any county salary schedule in excess of the minimum
27 requirements of this article.

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

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

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

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

44 "Aide I" means auxiliary personnel as defined in sec-
45 tion one, article one of this chapter.

46 "Aide II" means auxiliary personnel as defined in sec-
47 tion one, article one of this chapter who have completed
48 a training program approved by the state board of edu-
49 cation.

50 "Custodian I" means personnel employed to keep build-
51 ings clean and free of refuse.

52 "Custodian II" means personnel employed as a watch-
53 man or groundsman.

54 "Custodian III" means personnel employed to keep
55 buildings clean and free of refuse, to operate the heat-
56 ing or cooling systems and to make minor repairs.

57 "Custodian IV" means personnel employed as head
58 custodians. In addition to providing services as defined
59 in "Custodian III," their duties may include supervising
60 other custodian personnel.

61 "Carpenter I" means personnel classified as a carpen-
62 ter's helper.

63 "Carpenter II" means personnel classified as a journey-
64 man carpenter.

65 "Electrician I" means personnel employed as an ap-
66 prentice electrician and helper or holds an electrician
67 helper license issued by the state fire marshal.

68 "Electrician II" means personnel employed as an elec-
69 trician journeyman or holds a journeyman electri-
70 cian license issued by the state fire marshal.

71 "Foreman" means skilled persons employed for super-
72 vision of personnel who work in the areas of repair
73 and maintenance of school property and equipment.

74 "General maintenance" means personnel employed as
75 helpers to skilled maintenance employees and to per-
76 form minor repairs to equipment and buildings of a
77 county school system.

78 "Groundsmen" means personnel employed to perform
79 duties that relate to the appearance, repair and general
80 care of school grounds in a county school system. Addi-
81 tional assignments may include the operation of a small
82 heating plant and routine cleaning duties in build-
83 ings.

84 "Handyman" means personnel employed to perform
85 routine manual tasks in any operation of the county school
86 system.

87 "Lubrication man" means personnel employed to lu-
88 bricate and service gasoline or diesel-powered equipment
89 of a county school system.

90 "Machinist" means personnel employed to perform
91 machinist tasks which include the ability to operate
92 lathes, planer, shaper, threading machine and wheel
93 press. Such personnel should also have ability to work
94 from blueprints and drawings.

95 "Mechanic" means personnel employed who can in-
96 dependently perform skilled duties in the maintenance
97 and repair of automobiles, school buses and other me-
98 chanical and mobile equipment to use in a county school
99 system.

100 "Mechanic assistant" means personnel employed as a
101 mechanic apprentice and helper.

102 "Office equipment repairman I" means personnel em-
103 ployed as an office equipment repairman apprentice or
104 helper.

105 "Office equipment repairman II" means personnel re-
106 sponsible for servicing and repairing all office machines
107 and equipment. Such personnel shall be responsible for
108 parts being purchased necessary for the proper oper-
109 ation of a program of continuous maintenance and re-
110 pair.

111 "Painter" means personnel employed to perform duties
112 of painting, finishing and decorating of wood, metal and
113 concrete surfaces of buildings, other structures, equip-
114 ment, machinery and furnishings of a county school
115 system.

116 "Plumber I" means personnel employed as an appren-
117 tice plumber and helper.

118 "Plumber II" means personnel employed as journey-
119 man plumber.

120 "Supervisor of maintenance" means skilled personnel
121 not defined as professional personnel or professional
122 educators as in section one, article one, of this chapter.
123 His responsibilities would include directing the upkeep

124 of buildings and shops, issuing instructions to subor-
125 dinates relating to cleaning, repairs and maintenance
126 of all structures, mechanical and electrical equipment of
127 a board of education.

128 “Truck driver” means personnel employed to operate
129 light or heavy duty gasoline and diesel-powered vehi-
130 cles.

131 “Watchman” means personnel employed to protect
132 school property against damage or theft. Additional as-
133 signments may include operation of a small heating plant
134 and routine cleaning duties.

135 “Clerk I” means personnel employed to perform cler-
136 ical tasks.

137 “Clerk II” means personnel employed to perform gen-
138 eral clerical tasks, prepare reports and tabulations and
139 operate office machines.

140 “Secretary I” means personnel employed to transcribe
141 from notes or mechanical equipment, receive callers,
142 perform clerical tasks, prepare reports and operate office
143 machines.

144 “Secretary II” means personnel employed as school,
145 office or program secretaries to perform general clerical
146 tasks, transcribe, prepare reports, receive callers and
147 refer them to proper persons, operate office machines,
148 keep records and handle routine correspondence.

149 “Secretary III” means personnel assigned to the county
150 board of education office administrators in charge
151 of various departments or with particular responsi-
152 bilities of purchasing and financial control.

153 “Cafeteria manager” means personnel employed to
154 direct the operation of a food services program in a school,
155 including assigning duties to employees, approving
156 requisitions for supplies and repairs, keeping inventories,
157 inspecting areas to maintain high standards of sanita-
158 tion, preparing financial reports and keeping records
159 pertinent to food services of a school.

160 “Cook I” means personnel employed as a cook’s helper.

161 “Cook II” means personnel employed to interpret
162 menus, to prepare and serve meals in a lunch program
163 of a school system.

164 "Cook III" means personnel employed to prepare and
165 serve meals, make reports, prepare requisitions for sup-
166 plies, order equipment and repairs for a lunch program
167 of a school system.

168 "Food services supervisor" means qualified personnel
169 not defined as professional personnel or professional edu-
170 cators as in section one, article one, of this chapter, em-
171 ployed to manage and supervise a county school system's
172 food service or school lunch program. The duties would
173 include preparing in-service training programs for cooks
174 and food service employees, instructing personnel in
175 the areas of quantity cooking with economy and efficien-
176 cy, keeping aggregate records and reports.

177 "Bus operator" means personnel employed to operate
178 school buses and other school transportation vehicles
179 as provided by the state board of education.

180 "School bus supervisor" means qualified personnel
181 employed to assist in selecting school bus operators and
182 routing and scheduling of school buses, operate a bus
183 when needed, relay instructions to bus operators, plan
184 emergency routing of buses and promote good relation-
185 ships with parents, pupils, bus operators and other em-
186 ployees.

187 On and after the first day of July, one thousand nine
188 hundred seventy-five, the minimum monthly pay for
189 each auxiliary or service employee whose employment
190 is for a period of more than three and one-half hours a day
191 shall be at least the amounts indicated in the following
192 "State Minimum Pay Scale," and the minimum monthly
193 pay for each auxiliary or service employee whose em-
194 ployment is for a period of less than three and one-
195 half hours a day shall be at least one-half the
196 amount indicated in the following "State Minimum
197 Pay Scale":

STATE MINIMUM PAY SCALE

YEARS OF EMPLOYMENT

PAY GRADE	0	1	2	3	4	5	6	7	8	9	10
A. Monthly	350	360	370	380	390	400	410	420	430	440	450
B. Monthly	370	380	390	400	410	420	430	440	450	460	470
C. Monthly	410	420	430	440	450	460	470	480	490	500	510
D. Monthly	460	470	480	490	500	510	520	530	540	550	560
E. Monthly	510	520	530	540	550	560	570	580	590	600	610
F. Monthly	570	580	590	600	610	620	630	640	650	660	670
G. Monthly	600	610	620	630	640	650	660	670	680	690	700
H. Monthly	670	680	690	700	710	720	730	740	750	760	770

CLASS TITLE

PAY GRADE

CLASS TITLE

PAY GRADE

Aide I	A	Office Equipment Repairman II	G
Aide II	B	Painter	E
Custodian I	A	Plumber I	E
Custodian II	B	Plumber II	G
Custodian III	C	Supervisor of Maintenance	H
Custodian IV	D	Truck Driver	D
Carpenter I	E	Watchman	B
Carpenter II	F	Clerk I	B
Electrician I	F	Clerk II	C
Electrician II	G	Secretary I	D
Foreman	G	Secretary II	E
General Maintenance	C	Secretary III	F
Groundsman	B	Cafeteria Manager	D
Handyman	B	Cook I	A
Lubrication Man	C	Cook II	B
Machinist	F	Cook III	C
Mechanic	F	Food Services Supervisor	E
Mechanic Assistant	E	Bus Operator	D
Office Equipment Repairman I	F	School Bus Supervisor	E

198 In addition to the compensation herein provided for
199 auxiliary and service personnel, each auxiliary or serv-
200 ice employee shall, notwithstanding any provision in
201 this code to the contrary, be entitled to all auxiliary
202 and service personnel employee rights, privileges and
203 benefits provided under this or any other chapter of
204 this code without regard to such employee's hours of
205 employment or the methods or sources of compensa-
206 tion.

207 Auxiliary and service personnel whose years of em-
208 ployment exceed the number of years shown and pro-
209 vided for under the state minimum pay scale hereto-
210 fore set forth shall not be paid less than the amount
211 shown for the maximum years of employment shown
212 and provided for in the classification in which he is em-
213 ployed.

214 The county board of education may establish salary
215 schedules which shall be in excess of the state minimum
216 fixed by this article, such county schedules to be uni-
217 form throughout the county with regard to any training
218 classifications, experience, years of employment, respon-
219 sibility, duties, pupil participation, pupil enrollment, size
220 of buildings, operation of equipment or other require-
221 ments. Uniformity shall apply to any additional salary
222 increments or compensation for all persons performing
223 like assignments and duties within the county. In es-
224 tablishing such local salary schedules, no county, from
225 the effective date of this article, shall reduce local funds
226 allocated for auxiliary and service personnel salaries
227 used for supplementing federal and state funds provided
228 for such salaries.

229 The state board of education is hereby authorized to
230 establish other class titles of auxiliary and service per-
231 sonnel positions and jobs not listed in this section. The
232 state board of education is further authorized to provide
233 appropriate pay grades for such positions and jobs but
234 pay shall be established within the minimum salary
235 scale of this section.

236 No person employed as an auxiliary or service em-
237 ployee by a county board during the school year ending

238 the thirtieth day of June, one thousand nine hundred
239 seventy-five, shall have his annual salary reduced as
240 a result of the enactment of this section.

241 Any board failing to comply with the provisions of
242 this article may be compelled to do so by mandamus.

243 The provisions of this section shall become effective
244 July one, one thousand nine hundred seventy-five.

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

James L. Davis
Chairman Senate Committee

Clarence L. Christian Jr.
Chairman House Committee

Originated in the Senate.

In effect July 1, 1975.

Jack Allard
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. B. Houston Jr.
President of the Senate

Lewis D. Thomas
Speaker House of Delegates

The within disapproved this the 24th
day of March, 1975.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/75

Time 4:55 P.M.