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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE



SECOND EXTRAORDINARY SESSION, 1976



ENROLLED

Committee Substitute for

SENATE BILL NO. 3

(By Mr. *Rayson*)



PASSED *July 30,* 1976

In Effect *from* Passage

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE

THIS DATE 8/10/76

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 3

(MR. ROGERSON, *original sponsor*)

[Passed July 30, 1976; in effect from passage.]

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 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; salaries not to be diminished; relating to reclassification; and award of attorney's fees and court costs to party prevailing against the board.

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 mini-
2 mum monthly pay scale and employment term for aux-

3 iliary 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 supple-
14 ment 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 job
43 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 electrician
70 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 of
151 various departments or with particular responsibilities
152 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-six, 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
191 day shall be at least the amounts indicated in the follow-
192 ing "State Minimum Pay Scale," and the minimum
193 monthly pay for each auxiliary or service employee whose
194 employment is for a period of less than three and one-
195 half hours a day shall be at least one-half the amount
196 indicated in the following "State Minimum Pay Scale":

STATE MINIMUM PAY SCALE

YEARS OF EMPLOYMENT

PAY GRADE	0	1	2	3	4	5	6	7	8	9	10
A. Monthly	450	460	470	480	490	500	510	520	530	540	550
B. Monthly	470	480	490	500	510	520	530	540	550	560	570
C. Monthly	510	520	530	540	550	560	570	580	590	600	610
D. Monthly	560	570	580	590	600	610	620	630	640	650	660
E. Monthly	610	620	630	640	650	660	670	680	690	700	710
F. Monthly	670	680	690	700	710	720	730	740	750	760	770
G. Monthly	700	710	720	730	740	750	760	770	780	790	800
H. Monthly	770	780	790	800	810	820	830	840	850	860	870

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	F
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

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

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

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

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

235 No person employed as an auxiliary or service employee
236 by a county board during the school year ending the

237 thirtieth day of June, one thousand nine hundred seventy-
238 six, shall have his annual salary for the school year
239 1976-77 reduced as a result of the enactment of this
240 section.

241 Any board failing to comply with the provisions of this
242 article may be compelled to do so by mandamus, and
243 shall be liable to any party prevailing against the board
244 for court costs and his reasonable attorney fees, as de-
245 termined and established by the court.

246 The provisions of this section shall become effective
247 July one, one thousand nine hundred seventy-six.

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

James L. Davis
Chairman Senate Committee

Clarence C. Christy
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. C. Dillon, Jr.
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. T. Battle
President of the Senate

Lewis J. McMane
Speaker House of Delegates

The within *approved* this the *8th*
day of *August*, 1976

Arch A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 8/4/76

Time 11:40 a.m.