

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

— ● —

ENROLLED

HOUSE BILL No. 2034

(By Mr. Barley & Mr. Pounty)

— ● —

Passed March 13, 1982

In Effect Ninety Days From Passage

ENROLLED

H. B. 2034

(By MR. BARLEY and MR. PRUNTY)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact sections eight and eight-a, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the rights of school service personnel; establishing Saturday and Sunday minimum pay; establishing class titles of auditor and mail clerk and corresponding pay grades; and requiring written consent before reclassification or relegation of service employee's condition of employment.

Be it enacted by the Legislature of West Virginia:

That sections eight and eight-a, 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. Employment term and class titles of service personnel; definitions.

1 The purpose of this section is to establish an employment
2 term and class titles for service personnel. The employment
3 term for service personnel shall be no less than ten months,
4 a month being defined as twenty employment days: *Provided*,
5 That the county board of education may contract with all or
6 part of these personnel for a longer term. The beginning and
7 closing dates of the ten-month term shall not exceed forty-
8 three weeks. Service personnel employed on a yearly or twelve-
9 month basis may be employed by calendar months. Whenever
10 there is a change in job assignment during the school year, the

11 minimum pay scale and any county supplement shall be applic-
12 able.

13 Service personnel employed in the same classification for
14 more than the two hundred day minimum employment term
15 shall be paid for additional employment at a daily rate of not
16 less than the daily rate paid for the two hundred day minimum
17 employment term.

18 No service employee, without his agreement, shall be requir-
19 ed to report for work more than five days per week and no
20 part of any working day may be accumulated by the employer
21 for future work assignments, unless the employee agrees
22 thereto.

23 Should an employee whose regular work week is scheduled
24 from Monday through Friday agree to perform any work as-
25 signments on a Saturday or Sunday, the employee shall be
26 paid for at least one-half day of work for each such day he
27 reports for work, and if the employee works more than three
28 and one-half hours on any Saturday or Sunday, he shall be
29 paid for at least a full day of work for each such day.

30 Custodians required to work a daily work schedule that is
31 interrupted, that is, who do not work a continuous period in
32 one day, shall be paid additional compensation which shall be
33 equal to at least one eighth of their total salary as provided by
34 their state minimum salary and any county pay supplement,
35 and payable entirely from county funds.

36 Upon the change in classification or upon meeting the re-
37 quirements of an advanced classification of or by any employee,
38 his salary shall be made to comply with the requirements of
39 this article, and to any county salary schedule in excess of the
40 minimum requirements of this article, based upon his ad-
41 vanced classification and allowable years of employment.

42 An employee's contract as provided in sections four and
43 five, article two of this chapter shall state the appropriate
44 monthly salary the employee is to be paid, based on the class
45 title as provided in this article and any county salary schedule
46 in excess of the minimum requirements of this article.

47 The column heads of the state minimum pay scale and class

48 titles, set forth in section eight-a of this article, are defined
49 as follows:

50 "Pay grade" means the monthly salary applicable to class
51 titles of service personnel.

52 "Years of employment" means the number of years which
53 an employee classified as service personnel has been employed
54 by a board of education in any position prior to or subsequent
55 to the effective date of this section and including service in
56 the armed forces of the United States if the employee were
57 employed at the time of his induction. For the purpose of
58 section eight-a of this article, years of employment shall be
59 limited to the number of years shown and allowed under the
60 state minimum pay scale as set forth in section eight-a of
61 this article.

62 "Class title" means the name of the position or job held by
63 service personnel.

64 "Accountant I" means personnel employed to maintain
65 payroll records and reports and perform one or more opera-
66 tions relating to a phase of the total payroll.

67 "Accountant II" means personnel employed to maintain
68 accounting records and to be responsible for the accounting
69 process associated with billing, budgets, purchasing and re-
70 lated operations.

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

74 "Aide I" means those personnel selected and trained for
75 teacher-aide classifications such as monitor aide, clerical aide,
76 classroom aide or general aide.

77 "Aide II" means those personnel referred to in the "Aide
78 I" classification who have completed a training program ap-
79 proved by the state board of education, or who hold a high
80 school diploma or have received a general educational de-
81 velopment certificate.

82 "Aide III" means those personnel referred to in the "Aide
83 I" classification who hold a high school diploma or a general

84 educational development certificate, and have completed six
85 semester hours of college credit at a higher educational in-
86 stitution.

87 "Audiovisual technician" means personnel employed to
88 perform minor maintenance on audiovisual equipment, films,
89 supplies and the filling of requests for equipment.

90 "Auditor" means personnel employed to examine and verify
91 accounts of individual schools and to assist schools and school
92 personnel in maintaining complete and accurate records of
93 their accounts.

94 "Bus operator" means personnel employed to operate school
95 buses and other school transportation vehicles as provided by
96 the state board of education.

97 "Buyer" means personnel employed to review and write
98 specifications, negotiate purchase bids and recommend pur-
99 chase agreements for materials and services that meet prede-
100 termined specifications at the lowest available costs.

101 "Cabinetmaker" means personnel employed to construct
102 cabinets, tables, bookcases and other furniture.

103 "Cafeteria manager" means personnel employed to direct
104 the operation of a food services program in a school, including
105 assigning duties to employees, approving requisitions for sup-
106 plies and repairs, keeping inventories, inspecting areas to
107 maintain high standards of sanitation, preparing financial re-
108 ports and keeping records pertinent to food services of a
109 school.

110 "Carpenter I" means personnel classified as a carpenter's
111 helper.

112 "Carpenter II" means personnel classified as a journeyman
113 carpenter.

114 "Chief mechanic" means personnel employed to be respon-
115 sible for directing activities which ensure that student trans-
116 portation or other board-owned vehicles are properly and safely
117 maintained.

118 "Clerk I" means personnel employed to perform clerical
119 tasks.

120 "Clerk II" means personnel employed to perform general
121 clerical tasks, prepare reports and tabulations and operate
122 office machines.

123 "Computer operator" means qualified personnel employed
124 to operate computers.

OK
CAB
EN

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

126 "Cook II" means personnel employed to interpret menus,
127 to prepare and serve meals in a food service program of a
128 school and shall include personnel who have been employed as
129 a "Cook I" for a period of four years, if such personnel have
130 not been elevated to this classification within that period of
131 time.

132 "Cook III" means personnel employed to prepare and serve
133 meals, make reports, prepare requisitions for supplies, order
134 equipment and repairs for a food service program of a school
135 system.

136 "Crew leader" means personnel employed to organize the
137 work for a crew of maintenance employees to carry out as-
138 signed projects.

139 "Custodian I" means personnel employed to keep buildings
140 clean and free of refuse.

141 "Custodian II" means personnel employed as a watchman
142 or groundsman.

143 "Custodian III" means personnel employed to keep build-
144 ings clean and free of refuse, to operate the heating or cooling
145 systems and to make minor repairs.

146 "Custodian IV" means personnel employed as head cus-
147 todians. In addition to providing services as defined in "Cus-
148 todian III," their duties may include supervising other cus-
149 todian personnel.

150 "Director or coordinator of services" means personnel not
151 defined as professional personnel or professional educators
152 in section one, article one of this chapter, who are assigned
153 to direct a department or division.

154 “Draftsman” means personnel employed to plan, design and
155 produce detailed architectural/engineering drawings.

156 “Electrician I” means personnel employed as an appren-
157 tice electrician helper or who holds an electrician helper
158 license issued by the state fire marshal.

159 “Electrician II” means personnel employed as an electrician
160 journeyman or who holds a journeyman electrician license
161 issued by the state fire marshal.

162 “Electronic technician I” means personnel employed at the
163 apprentice level to repair and maintain electronic equipment.

164 “Electronic technician II” means personnel employed at the
165 journeyman level to repair and maintain electronic equipment.

166 “Executive secretary” means personnel employed as the
167 county school superintendent’s secretary or as a secretary who
168 is assigned to a position characterized by significant adminis-
169 trative duties.

170 “Food services supervisor” means qualified personnel not
171 defined as professional personnel or professional educators
172 as in section one, article one of this chapter, employed to man-
173 age and supervise a county school system’s food service pro-
174 gram. The duties would include preparing in-service training
175 programs for cooks and food service employees, instructing
176 personnel in the areas of quantity cooking with economy and
177 efficiency, and keeping aggregate records and reports.

178 “Foreman” means skilled persons employed for supervision
179 of personnel who work in the areas of repair and maintenance
180 of school property and equipment.

181 “General maintenance” means personnel employed as help-
182 ers to skilled maintenance employees and to perform minor
183 repairs to equipment and buildings of a county school system.

184 “Glazier” means personnel employed to replace glass or
185 other materials in windows and doors and to do minor car-
186 pentry tasks.

187 “Graphic artist” means personnel employed to prepare
188 graphic illustrations.

189 "Groundsman" means personnel employed to perform duties
190 that relate to the appearance, repair and general care of school
191 grounds in a county school system. Additional assignments
192 may include the operation of a small heating plant and routine
193 cleaning duties in buildings.

194 "Handyman" means personnel employed to perform routine
195 manual tasks in any operation of the county school system.

196 "Heating and air conditioning mechanic I" means per-
197 sonnel employed at the apprentice level to install, repair and
198 maintain heating and air conditioning plants and related elec-
199 trical equipment.

200 "Heating and air conditioning mechanic II" means person-
201 nel employed at the journeyman level to install, repair and
202 maintain heating and air conditioning plants and related elec-
203 trical equipment.

204 "Heavy equipment operator" means personnel employed to
205 operate heavy equipment.

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

209 "Key punch operator" means qualified personnel employed
210 to operate key punch machines or verifying machines.

211 "Locksmith" means personnel employed to repair and main-
212 tain locks and safes.

213 "Lubrication man" means personnel employed to lubricate
214 and service gasoline or diesel-powered equipment of a county
215 school system.

216 "Machinist" means personnel employed to perform machi-
217 nist tasks which include the ability to operate a lathe, planer,
218 shaper, threading machine and wheel press. Such personnel
219 should also have ability to work from blueprints and drawings.

220 "Mail clerk" means personnel employed to receive, sort,
221 dispatch, deliver or otherwise handle letters, parcels and other
222 mail.

223 "Maintenance clerk" means personnel employed to maintain

224 and control a stocking facility to keep adequate tools and
225 supplies on hand for daily withdrawal for all school main-
226 tenance crafts.

227 "Mason" means personnel employed to perform tasks con-
228 nected with brick and block laying and carpentry tasks related
229 to such laying.

230 "Mechanic" means personnel employed who can independ-
231 ently perform skilled duties in the maintenance and repair of
232 automobiles, school buses and other mechanical and mobile
233 equipment to use in a county school system.

234 "Mechanic assistant" means personnel employed as a
235 mechanic apprentice and helper.

236 "Office equipment repairman I" means personnel employed
237 as an office equipment repairman apprentice or helper.

238 "Office equipment repairman II" means personnel respon-
239 sible for servicing and repairing all office machines and equip-
240 ment. Personnel shall be responsible for parts being purchased
241 necessary for the proper operation of a program of continuous
242 maintenance and repair.

243 "Painter" means personnel employed to perform duties of
244 painting, finishing and decorating of wood, metal and con-
245 crete surfaces of buildings, other structures, equipment, mach-
246 inery and furnishings of a county school system.

247 "Plumber I" means personnel employed as an apprentice
248 plumber and helper.

249 "Plumber II" means personnel employed as a journeyman
250 plumber.

251 "Printing operator" means personnel employed to operate
252 duplication equipment, and as required, to cut, collate, staple,
253 bind and shelf materials.

254 "Printing supervisor" means personnel employed to super-
255 vise the operation of a print shop.

256 "Programmer" means personnel employed to design and
257 prepare programs for computer operation.

258 “Roofing/sheet metal mechanic” means personnel employed
259 to install, repair, fabricate and maintain roofs, gutters, flashing
260 and duct work for heating and ventilation.

261 “Sanitation plant operator” means personnel employed to
262 operate and maintain a water or sewage treatment plant to
263 ensure the safety of the plant’s effluent for human consump-
264 tion or environmental protection.

265 “School bus supervisor” means qualified personnel employed
266 to assist in selecting school bus operators and routing and
267 scheduling of school buses, operate a bus when needed, relay
268 instructions to bus operators, plan emergency routing of buses
269 and promoting good relationships with parents, pupils, bus
270 operators and other employees.

271 “Secretary I” means personnel employed to transcribe from
272 notes or mechanical equipment, receive callers, perform
273 clerical tasks, prepare reports and operate office machines.

274 “Secretary II” means personnel employed in any elemen-
275 tary, secondary, kindergarten, nursery, special education, vo-
276 cational or any other school as a secretary. The duties may
277 include performing general clerical tasks, transcribing from
278 notes or stenotype or mechanical equipment or a sound-pro-
279 ducing machine, preparing reports, receiving callers and re-
280 ferring them to proper persons, operating office machines,
281 keeping records and handling routine correspondence. There is
282 nothing implied herein that would prevent such employees from
283 holding or being elevated to a higher classification.

284 “Secretary III” means personnel assigned to the county
285 board of education office administrators in charge of various
286 instructional, maintenance, transportation, food services, oper-
287 ations and health departments, federal programs or departments
288 with particular responsibilities of purchasing and financial con-
289 trol or any personnel who have served in a position which
290 meets the definition of “secretary II” herein for twelve con-
291 tinuous years.

292 “Supervisor of maintenance” means skilled personnel not de-
293 fined as professional personnel or professional educators as in
294 section one, article one of this chapter. His responsibilities

295 would include directing the upkeep of buildings and shops,
296 issuing instructions to subordinates relating to cleaning, repairs
297 and maintenance of all structures, mechanical and electrical
298 equipment of a board of education.

299 "Supervisor of transportation" means qualified personnel
300 employed to direct school transportation activities, properly
301 and safely, and to supervise the maintenance and repair of
302 vehicles, buses, and other mechanical and mobile equipment
303 used by the county school system.

304 "Switchboard operator-receptionist" means personnel em-
305 ployed to refer incoming calls, to assume contact with the pub-
306 lic, to direct and to give instructions as necessary, to operate
307 switchboard equipment and to provide clerical assistance.

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

310 "Warehouse clerk" means personnel employed to be re-
311 sponsible for receiving, storing, packing and shipping goods.

312 "Watchman" means personnel employed to protect school
313 property against damage or theft. Additional assignments may
314 include operation of a small heating plant and routine clean-
315 ing duties.

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

318 In addition to the compensation provided for in section
319 eight-a of this article, for service personnel, each service em-
320 ployee shall, notwithstanding any provisions in this code to
321 the contrary, be entitled to all service personnel employee
322 rights, privileges and benefits provided under this or any other
323 chapter of this code without regard to such employee's hours
324 of employment or the methods or sources of compensation.

325 Service personnel whose years of employment exceed the
326 number of years shown and provided for under the state mini-
327 mum pay scale set forth in section eight-a of this article, may
328 not be paid less than the amount shown for the maximum
329 years of employment shown and provided for in the classifica-
330 tion in which he is employed.

331 The county board of education may establish salary sched-
332 ules which shall be in excess of the state minimum fixed by
333 this article, these county schedules to be uniform throughout
334 the county with regard to any training classification, exper-
335 ience, years of employment, responsibility, duties, pupil par-
336 ticipation, pupil enrollment, size of buildings, operation of
337 equipment or other requirements. Further, uniformity shall
338 apply to all salaries, rates of pay, benefits, increments or
339 compensation for all persons regularly employed and per-
340 forming like assignments and duties within the county.

341 In establishing such local salary schedules, no county, after
342 the first day of July, one thousand nine hundred eighty-one,
343 shall reduce the amount of money that is the difference be-
344 tween the existing state minimum pay scale and the county's
345 pay scale as of the first day of January, one thousand nine
346 hundred eighty-one, except that a county's pay scale may be
347 reduced when such pay scale is provided from excess levy
348 funds and such excess levy is not renewed.

349 The county boards shall review each service personnel em-
350 ployee job classification annually and shall reclassify all service
351 employees as required by such job classifications. The state
352 superintendent of schools is hereby authorized to withhold
353 state funds appropriated pursuant to this article for salaries for
354 service personnel who are improperly classified by such county
355 boards. Further, he shall order county boards to correct im-
356 mediately any improper classification matter and with the
357 assistance of the attorney general shall take any legal action
358 necessary against any county board to enforce such order.

359 The state board of education is authorized to establish
360 other class titles of service personnel positions and jobs not
361 listed in this section. The state board of education is further
362 authorized to provide appropriate pay grades for such posi-
363 tions and jobs but pay shall be established within the mini-
364 mum salary scale in section eight-a of this article.

365 No service employee, without his written consent, may be
366 reclassified by class title, nor may a service employee, without
367 his written consent, be relegated to any condition of employ-
368 ment which would result in a reduction of his salary, rate of

369 pay, compensation or benefits earned during the current fiscal
 370 year or which would result in a reduction of his salary, rate of
 371 pay, compensation or benefits for which he would qualify by
 372 continuing in the same job position and classification held
 373 during said fiscal year and subsequent years.

374 Any board failing to comply with the provisions of this
 375 article may be compelled to do so by mandamus, and shall be
 376 liable to any party prevailing against the board for court costs
 377 and his reasonable attorney fee, as determined and establish-
 378 ed by the court.

379 The new provisions of this section shall become effective
 380 the first day of July, one thousand nine hundred eighty-two.

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

STATE MINIMUM PAY SCALE PAY GRADE

**Years
of
Employ-
ment**

	A	B	C	D	E	F	G	H
0	674	694	734	784	834	894	924	994
1	692	712	752	802	852	912	942	1012
2	710	730	770	820	870	930	960	1030
3	728	748	788	838	888	948	978	1048
4	746	766	806	856	906	966	996	1066
5	764	784	824	874	924	984	1014	1084
6	782	802	842	892	942	1002	1032	1102
7	800	820	860	910	960	1020	1050	1120
8	818	838	878	928	978	1038	1068	1138
9	836	856	896	946	996	1056	1086	1156
10	854	874	914	964	1014	1074	1104	1174
11	872	892	932	982	1032	1092	1122	1192
12	890	910	950	1000	1050	1110	1140	1210
13	908	928	968	1018	1068	1128	1158	1228
14	926	946	986	1036	1086	1146	1176	1246
15	944	964	1004	1054	1104	1164	1194	1264
16	962	982	1022	1072	1122	1182	1212	1282

CLASS TITLE	PAY GRADE
Accountant I	D
Accountant II	E
Accountant III	F
Aide I	A
Aide II	B
Aide III	C
Audiovisual Technician	C
Auditor	G
Bus Operator	D
Buyer	F
Cabinetmaker	G
Cafeteria Manager	D
Carpenter I	E
Carpenter II	F
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
Director or Coordinator of Services	H
Draftsman	D
Electrician I	F
Electrician II	G
Electronic Technician I	F
Electronic Technician II	G
Executive Secretary	G
Food Services Supervisor	G
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
Mail Clerk	D
Maintenance Clerk	C
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
Sanitation Plant Operator	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

1 On and after the first day of July, one thousand nine
2 hundred seventy-nine, the minimum monthly pay for each
3 service employee whose employment is for a period of more
4 than three and one-half hours a day shall be at least the

5 amounts indicated in the "state minimum pay scale" as set
6 forth in this section, and the minimum monthly pay for each
7 service employee whose employment is for a period of three
8 and one-half hours or less a day shall be at least one half
9 the amount indicated in the "state minimum pay scale" set
10 forth in this section.

11 Any service employee required to work on any legal holi-
12 day shall be paid at a rate one and one-half times his usual
13 hourly rate.

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

R. P. Baylor
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Ladd C. Nichols
Clerk of the Senate

C. Q. Blankenship
Clerk of the House of Delegates
Warren R. McHaw
President of the Senate
Walter M. See, Jr.
Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1982.

John S. Dwyer
Governor



RECEIVED

MAR 26 9 09 AM '82

OFFICE OF THE GOVERNOR

RECEIVED

82 MAR 31 P 1:29

OFFICE
SECY. OF STATE