WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

HOUSE BILL No. 4846

(By Delegates Long and D. Miller)

Passed March 10, 1990

In Effect 90 Days from Passage
AN ACT to amend article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-e, relating to requiring state board of education to develop competency tests for all service personnel classification titles; establishing the classifications to be included in the same testing category; providing for the method, location and administration of such tests; designating the subject matter of such tests; addressing the utilization of such tests; providing for retaking such tests in certain instances; requiring county boards to schedule and a vocational center to administer such tests; permitting employees in certain instances to be excused from work with pay to take said competency tests; requiring a one day minimum of appropriate inservice training to be provided; and establishing the effective implementation date.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be further amended by adding thereto a new section, designated section eight-e, to read as follows:

ARTICLE 4. SALARIES, WAGES, AND OTHER BENEFITS.

§18A-4-8e. Competency testing for service personnel.

1 The state board of education shall develop and cause
to be made available competency tests for all of the classification titles defined in section eight and listed in section eight-a of this article for service personnel. Each classification title defined and listed shall be considered a separate classification category of employment for service personnel and shall have a separate competency test, except for those class titles having Roman numeral designations, which shall be considered a single classification of employment and shall have a single competency test. The cafeteria manager class title shall be included in the same classification category as cooks and shall have the same competency test. The executive secretary class title shall be included in the same classification category as secretaries and shall have the same competency test. The classification titles of chief mechanic, mechanic, and assistant mechanic shall be included in one classification title and shall have the same competency test.

The purpose of these tests shall be to provide county boards of education a uniform means of determining whether school service personnel employees who do not hold a classification title in a particular category of employment can meet the definition of the classification title in another category of employment as defined in section eight of this article. Competency tests shall not be used to evaluate employees who hold the classification title in the category of their employment.

The competency test shall consist of an objective written and/or performance test: Provided, That applicants shall have the opportunity of taking the written test orally if requested. Oral tests shall be recorded mechanically and kept on file. Persons administering the oral test shall not know the applicant personally. The performance test for all classifications and categories other than Bus Operator shall be administered by a vocational school which serves the county board of education. A standard passing score shall be established by the state department of education for each test and shall be used by county boards of education. The subject matter of each competency test shall be commensurate with the requirements of the definitions of the classifi-
cution titles as provided in section eight of this article. The subject matter of each competency test shall be
designed in such a manner that achieving a passing
grade will not require knowledge and skill in excess of
the requirements of the definitions of the classification
titles. Achieving a passing score shall conclusively
demonstrate the qualification of an applicant for a
classification title. Once an employee passes the compet-
ency test of a classification title, said applicant shall be
fully qualified to fill vacancies in that classification
category of employment as provided in subsection (b),
section eight-b of this article and shall not be required
to take the competency test again.

An applicant who fails to achieve a passing score shall
be given other opportunities to pass the competency test
when making application for another vacancy within the
classification category.

Competency tests shall be administered to applicants
in a uniform manner under uniform testing conditions.
County boards of education shall be responsible for
scheduling competency tests and shall not utilize a
competency test other than the test authorized by this
section.

When scheduling of the competency test conflicts with
the work schedule of a school employee who has applied
for a vacancy, said employee must be excused from work
to take said competency test without loss of pay.

A minimum of one day of appropriate inservice
training shall be provided employees to assist them in
preparing to take the competency tests.

Competency tests shall be utilized to determine the
qualification of new applicants seeking initial employ-
ment in a particular classification title as either a
regular or substitute employee. Once an employee holds
a classification title in a category of employment, that
employee shall be deemed qualified for said classifica-
tion title even though that employee no longer holds that
classification title.

The requirements of this section shall not be construed
to alter the definitions of class titles as provided in section eight of this article nor the procedure and requirements of subsection (b), section eight-b of this article.

The testing procedures of this section shall be implemented effective the first day of July, one thousand nine hundred ninety-one.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker  
Chairman Senate Committee

Edward V. Kelly  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harold E. Hankins  
Clerk of the Senate

Donald J. Kaye  
Clerk of the House of Delegates

Robert C. Vallandigham  
President of the Senate

Robert C. Cole  
Speaker of the House of Delegates

The within is approved this the 31st day of March, 1990.

Gaston Caperton  
Governor