

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

HOUSE BILL No. 4846

(By ~~the~~ Delegates Long + D. Miller)

— ● —

Passed March 10, 1990

In Effect 90 Days from Passage

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H. B. 4846

(By DELEGATES LONG AND D. MILLER)

[Passed March 10, 1990; in effect ninety 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

2 to be made available competency tests for all of the
3 classification titles defined in section eight and listed in
4 section eight-a of this article for service personnel. Each
5 classification title defined and listed shall be considered
6 a separate classification category of employment for
7 service personnel and shall have a separate competency
8 test, except for those class titles having Roman numeral
9 designations, which shall be considered a single classi-
10 fication of employment and shall have a single compet-
11 ency test. The cafeteria manager class title shall be
12 included in the same classification category as cooks and
13 shall have the same competency test. The executive
14 secretary class title shall be included in the same
15 classification category as secretaries and shall have the
16 same competency test. The classification titles of chief
17 mechanic, mechanic, and assistant mechanic shall be
18 included in one classification title and shall have the
19 same competency test.

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

29 The competency test shall consist of an objective
30 written and/or performance test: *Provided*, That appli-
31 cants shall have the opportunity of taking the written
32 test orally if requested. Oral tests shall be recorded
33 mechanically and kept on file. Persons administering
34 the oral test shall not know the applicant personally. The
35 performance test for all classifications and categories
36 other than Bus Operator shall be administered by a
37 vocational school which serves the county board of
38 education. A standard passing score shall be established
39 by the state department of education for each test and
40 shall be used by county boards of education. The subject
41 matter of each competency test shall be commensurate
42 with the requirements of the definitions of the classifi-

43 cation titles as provided in section eight of this article.
44 The subject matter of each competency test shall be
45 designed in such a manner that achieving a passing
46 grade will not require knowledge and skill in excess of
47 the requirements of the definitions of the classification
48 titles. Achieving a passing score shall conclusively
49 demonstrate the qualification of an applicant for a
50 classification title. Once an employee passes the compet-
51 ency test of a classification title, said applicant shall be
52 fully qualified to fill vacancies in that classification
53 category of employment as provided in subsection (b),
54 section eight-b of this article and shall not be required
55 to take the competency test again.

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

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

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

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

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

81 The requirements of this section shall not be construed

82 to alter the definitions of class titles as provided in
83 section eight of this article nor the procedure and
84 requirements of subsection (b), section eight-b of this
85 article.

86 The testing procedures of this section shall be
87 implemented effective the first day of July, one thousand
88 nine hundred ninety-one.

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

Fredrick Z. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Shirley E. Edinger
Clerk of the Senate

Donald Z. Hays
Clerk of the House of Delegates

Walter Burdette
President of the Senate

Bob Cole
Speaker of the House of Delegates

The within is approved this the 3/8
day of March, 1990.

Anton Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/90

Time 4:15 pm