WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION. 1993

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ENROLLED

HOUSE BILL No. 2782

(By Delegate Ashcraft)

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Passed April 8, 1993

In Effect From Passage
ENROLLED
H. B. 2782
(By Delegate Ashcraft)

[Passed April 8, 1993; 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; to further amend said article by adding thereto a new section, designated section eight-g; and to amend and reenact sections two and eight, article five of said chapter, all relating to providing additional compensation for certain service personnel who work interrupted schedules; redefining “director or coordinator of services”; eliminating the provision authorizing the state board of education to establish other class titles and providing the attendant pay grades; providing additional methods of determining and further specifying service personnel seniority; designating West Virginia Day as a legal school holiday; and deleting a provision addressing the basis upon which an aide may be hired.

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; that said article be further amended by adding thereto a new section, designated section eight-g; and that sections two and eight, article five of said chapter be amended and reenacted, all to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-8. Employment term and class titles of service personnel; definitions.
The purpose of this section is to establish an employment term and class titles for service personnel. The employment term for service personnel shall be no less than ten months, a month being defined as twenty employment days: Provided, That the county board of education may contract with all or part of these personnel for a longer term. The beginning and closing dates of the ten-month employment term shall not exceed forty-three weeks.

Service personnel employed on a yearly or twelve-month basis may be employed by calendar months. Whenever there is a change in job assignment during the school year, the minimum pay scale and any county supplement shall be applicable.

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

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

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

Custodians, aides, maintenance, office and school lunch employees required to work a daily work schedule that is interrupted, that is, who do not work a continuous period in one day, shall be paid additional compensation which shall be equal to at least one eighth of their total salary as provided by their state minimum salary and any county pay supplement, and payable entirely from county funds: Provided, That when engaged in duties of
transporting students exclusively, aides shall not be regarded as working an interrupted schedule.

Upon the change in classification or upon meeting the requirements of an advanced classification of or by any employee, his salary shall be made to comply with the requirements of this article, and to any county salary schedule in excess of the minimum requirements of this article, based upon his advanced classification and allowable years of employment.

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

The column heads of the state minimum pay scale and class titles, set forth in section eight-a of this article, are defined as follows:

“Pay grade” means the monthly salary applicable to class titles of service personnel.

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

“Class title” means the name of the position or job held by service personnel.

“Accountant I” means personnel employed to maintain payroll records and reports and perform one or more operations relating to a phase of the total payroll.

“Accountant II” means personnel employed to maintain accounting records and to be responsible for the
accounting process associated with billing, budgets, purchasing and related operations.

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

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

"Aide II" means those personnel referred to in the "Aide I" classification who have completed a training program approved by the state board of education, or who hold a high school diploma or have received a general educational development certificate. Only personnel classified in an Aide II class title shall be employed as an aide in any special education program.

"Aide III" means those personnel referred to in the "Aide I" classification who hold a high school diploma or a general educational development certificate, and have completed six semester hours of college credit at an institution of higher education or are employed as an aide in a special education program and have one year's experience as an aide in special education.

"Aide IV" means personnel referred to in the "Aide I" classification who hold a high school diploma or a general educational development certificate and who have completed eighteen hours of state board-approved college credit at a regionally accredited institution of higher education, or who have completed fifteen hours of state board-approved college credit at a regionally accredited institution of higher education and successfully completed an in-service training program determined by the state board to be the equivalent of three hours of college credit.

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

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

"Autism mentor" means personnel who work with
autistic students and who meet standards and expe-
rience to be determined by the state board: Provided,
That the state board shall determine these standards
and experience on or before the first day of July, one
thousand nine hundred ninety-two.

"Braille or sign language specialist" means personnel
employed to provide braille and/or sign language
assistance to students.

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

"Buyer" means personnel employed to review and
write specifications, negotiate purchase bids and
recommend purchase agreements for materials and
services that meet predetermined specifications at the
lowest available costs.

"Cabinetmaker" means personnel employed to con-
struct cabinets, tables, bookcases and other furniture.

"Cafeteria manager" means personnel employed to
direct the operation of a food services program in a
school, including assigning duties to employees, approv-
ing requisitions for supplies and repairs, keeping
inventories, inspecting areas to maintain high standards
of sanitation, preparing financial reports and keeping
records pertinent to food services of a school.

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

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

"Chief mechanic" means personnel employed to be
responsible for directing activities which ensure that
student transportation or other board-owned vehicles
are properly and safely maintained.

"Clerk I" means personnel employed to perform
“Clerk II” means personnel employed to perform general clerical tasks, prepare reports and tabulations and operate office machines.

“Computer operator” means qualified personnel employed to operate computers.

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

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

“Cook III” means personnel employed to prepare and serve meals, make reports, prepare requisitions for supplies, order equipment and repairs for a food service program of a school system.

“Crew leader” means personnel employed to organize the work for a crew of maintenance employees to carry out assigned projects.

“Custodian I” means personnel employed to keep buildings clean and free of refuse.

“Custodian II” means personnel employed as a watchman or groundsman.

“Custodian III” means personnel employed to keep buildings clean and free of refuse, to operate the heating or cooling systems and to make minor repairs.

“Custodian IV” means personnel employed as head custodians. In addition to providing services as defined in “Custodian III,” their duties may include supervising other custodian personnel.

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

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

"Electrician I" means personnel employed as an apprentice electrician helper or who holds an electrician helper license issued by the state fire marshal.

"Electrician II" means personnel employed as an electrician journeyman or who holds a journeyman electrician license issued by the state fire marshal.

"Electronic technician I" means personnel employed at the apprentice level to repair and maintain electronic equipment.

"Electronic technician II" means personnel employed at the journeyman level to repair and maintain electronic equipment.

"Executive secretary" means personnel employed as the county school superintendent's secretary or as a secretary who is assigned to a position characterized by significant administrative duties.

"Food services supervisor" means qualified personnel not defined as professional personnel or professional educators in section one, article one of this chapter, employed to manage and supervise a county school system's food service program. The duties would include preparing in-service training programs for cooks and food service employees, instructing personnel in the areas of quantity cooking with economy and efficiency, and keeping aggregate records and reports.

"Foremen" means skilled persons employed for supervision of personnel who work in the areas of repair and maintenance of school property and equipment.

"General maintenance" means personnel employed as helpers to skilled maintenance employees and to perform minor repairs to equipment and buildings of a county school system.

"Glazier" means personnel employed to replace glass or other materials in windows and doors and to do minor carpentry tasks.
“Graphic artist” means personnel employed to prepare graphic illustrations.

“Groundsmen” means personnel employed to perform duties that relate to the appearance, repair and general care of school grounds in a county school system. Additional assignments may include the operation of a small heating plant and routine cleaning duties in buildings.

“Handyman” means personnel employed to perform routine manual tasks in any operation of the county school system.

“Heating and air conditioning mechanic I” means personnel employed at the apprentice level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heating and air conditioning mechanic II” means personnel employed at the journeyman level to install, repair and maintain heating and air conditioning plants and related electrical equipment.

“Heavy equipment operator” means personnel employed to operate heavy equipment.

“Inventories supervisor” means personnel who are employed to supervise or maintain operations in the receipt, storage, inventory and issuance of materials and supplies.

“Key punch operator” means qualified personnel employed to operate key punch machines or verifying machines.

“Locksmith” means personnel employed to repair and maintain locks and safes.

“Lubrication man” means personnel employed to lubricate and service gasoline or diesel-powered equipment of a county school system.

“Machinist” means personnel employed to perform machinist tasks which include the ability to operate a lathe, planer, shaper, threading machine and wheel press. Such personnel should also have ability to work
from blueprints and drawings.

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

"Maintenance clerk" means personnel employed to maintain and control a stocking facility to keep adequate tools and supplies on hand for daily withdrawal for all school maintenance crafts.

"Mason" means personnel employed to perform tasks connected with brick and block laying and carpentry tasks related to such laying.

"Mechanic" means personnel employed who can independently perform skilled duties in the maintenance and repair of automobiles, school buses and other mechanical and mobile equipment to use in a county school system.

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

"Multi-classification" means personnel employed to perform tasks that involve the combination of two or more class titles in this section or as created by the West Virginia board of education. In such instances the minimum salary scale shall be the higher pay grade of the class titles involved.

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

"Office equipment repairman II" means personnel responsible for servicing and repairing all office machines and equipment. Personnel shall be responsible for parts being purchased necessary for the proper operation of a program of continuous maintenance and repair.

"Painter" means personnel employed to perform duties of painting, finishing and decorating of wood, metal and concrete surfaces of buildings, other structures, equipment, machinery and furnishings of a county school system.
“Paraprofessional” means a person certified pursuant to section two-a, article three of this chapter to perform duties in a support capacity including, but not limited to, facilitating in the instruction and direct or indirect supervision of pupils under the direction of a principal, a teacher, or another designated professional educator:

Provided, That no person employed on the effective date of this section in the position of an aide may be reduced in force or transferred to create a vacancy for the employment of a paraprofessional.

“Plumber I” means personnel employed as an apprentice plumber and helper.

“Plumber II” means personnel employed as a journeyman plumber.

“Printing operator” means personnel employed to operate duplication equipment, and as required, to cut, collate, staple, bind and shelve materials.

“Printing supervisor” means personnel employed to supervise the operation of a print shop.

“Programmer” means personnel employed to design and prepare programs for computer operation.

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

“Sanitation plant operator” means personnel employed to operate and maintain a water or sewage treatment plant to ensure the safety of the plant’s effluent for human consumption or environmental protection.

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

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

“Secretary II” means personnel employed in any elementary, secondary, kindergarten, nursery, special education, vocational or any other school as a secretary. The duties may include performing general clerical tasks, transcribing from notes or stenotype or mechanical equipment or a sound-producing machine, preparing reports, receiving callers and referring them to proper persons, operating office machines, keeping records and handling routine correspondence. There is nothing implied herein that would prevent such employees from holding or being elevated to a higher classification.

“Secretary III” means personnel assigned to the county board of education office administrators in charge of various instructional, maintenance, transportation, food services, operations and health departments, federal programs or departments with particular responsibilities of purchasing and financial control or any personnel who have served in a position which meets the definition of “Secretary II” or “Secretary III” herein for eight years.

“Supervisor of maintenance” means skilled personnel not defined as professional personnel or professional educators as in section one, article one of this chapter. The responsibilities would include directing the upkeep of buildings and shops, issuing instructions to subordinates relating to cleaning, repairs and maintenance of all structures and mechanical and electrical equipment of a board of education.

“Supervisor of transportation” means qualified personnel employed to direct school transportation activities, properly and safely, and to supervise the maintenance and repair of vehicles, buses, and other mechanical and mobile equipment used by the county school system.

“Switchboard operator-receptionist” means personnel employed to refer incoming calls, to assume contact with the public, to direct and to give instructions as neces-
Enr. H. B. 2782]

381 sary, to operate switchboard equipment and to provide
382 clerical assistance.
383
384 "Truck driver" means personnel employed to operate
385 light or heavy duty gasoline and diesel-powered vehicles.
386 "Warehouse clerk" means personnel employed to be
387 responsible for receiving, storing, packing and shipping
388 goods.
389 "Watchman" means personnel employed to protect
390 school property against damage or theft. Additional
391 assignments may include operation of a small heating
392 plant and routine cleaning duties.
393 "Welder" means personnel employed to provide
394 acetylene or electric welding services for a school
395 system.

396 In addition to the compensation provided for in section
397 eight-a of this article, for service personnel, each service
398 employee shall, notwithstanding any provisions in this
399 code to the contrary, be entitled to all service personnel
400 employee rights, privileges and benefits provided under
401 this or any other chapter of this code without regard to
402 such employee's hours of employment or the methods or
403 sources of compensation.

404 Service personnel whose years of employment exceed
405 the number of years shown and provided for under the
406 state minimum pay scale set forth in section eight-a of
407 this article may not be paid less than the amount shown
408 for the maximum years of employment shown and
409 provided for in the classification in which he is
410 employed.

411 The county boards shall review each service personnel
412 employee job classification annually and shall reclassify
413 all service employees as required by such job classifi-
414 cations. The state superintendent of schools is hereby
415 authorized to withhold state funds appropriated pursu-
416 ant to this article for salaries for service personnel who
417 are improperly classified by such county boards.
418 Further, he shall order county boards to correct
419 immediately any improper classification matter and
420 with the assistance of the attorney general shall take any
legal action necessary against any county board to
enforce such order.

No service employee, without his written consent, may
be reclassified by class title, nor may a service employee,
without his written consent, be relegated to any
condition of employment which would result in a
reduction of his salary, rate of pay, compensation or
benefits earned during the current fiscal year or which
would result in a reduction of his salary, rate of pay,
compensation or benefits for which he would qualify by
continuing in the same job position and classification
held during said fiscal year and subsequent years.

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

Notwithstanding any provisions in this code to the
contrary, service personnel who hold a continuing
contract in a specific job classification and are physi-
cally unable to perform the job's duties as confirmed by
a physician chosen by the employee shall be given
priority status over any employee not holding a contin-
uing contract in filling other service personnel job
vacancies if qualified as provided in section eight-e of
this article.

§18A-4-8g. Determination of seniority for service per-
sonnel.

The seniority for service personnel shall be deter-
mined in the following manner:

Seniority accumulation for a regular school service
employee shall begin on the date such employee enters
upon regular employment duties pursuant to a contract
as provided in section five, article two of this chapter
and shall continue until the employee's employment as
a regular employee is severed with the county board of
education. Seniority shall not cease to accumulate when
an employee is absent without pay as authorized by the
county board or the absence is due to illness or other
reasons over which the employee has no control as authorized by the county board. Seniority accumulation for a substitute employee shall begin upon the date the employee enters upon the duties of a substitute as provided in section fifteen, article four of this chapter, after executing with the board a contract of employment as provided in section five, article two of this chapter. The seniority of a substitute employee, once established, shall continue until such employee enters into the duties of a regular employment contract as provided in section five, article two of this chapter or employment as a substitute with the county board of education is severed. Seniority of a regular or substitute employee shall continue to accumulate except during the time when an employee is willfully absent from employment duties because of a concerted work stoppage or strike or is suspended without pay.

For all purposes including the filling of vacancies and reduction in force, seniority shall be accumulated within particular classification categories of employment as those classification categories are referred to in section eight-e of this article: Provided, That when implementing a reduction in force, an employee with the least seniority within a particular classification category shall be properly released and placed on the preferred recall list. The particular classification title held by an employee within the classification category shall not be taken into consideration when implementing a reduction in force.

On or before the first day of September and the fifteenth day of January of each school year, county boards of education shall post at each county school or working station the current seniority list or lists of each school service classification. Each list shall contain the name of each regularly employed school service personnel employed in each classification and the date that each employee began performing his assigned duties in each classification. Current seniority lists of substitute school service personnel shall be available to employees upon request at the county board of education office.

The seniority of an employee who transfers out of a
class title or classification category of employment and subsequently returns to said class title or classification category of employment shall be calculated as follows:

The county board of education shall establish the number of calendar days between the date the employee left the class title or category of employment in question and the date of return to the class title or classification category of employment. This number of days shall be added to the employee's initial seniority date to establish a new beginning seniority date within the class title or classification category. The employee shall then be considered as having held uninterrupted service within the class title or classification category from the newly established seniority date. The seniority of an employee who has had a break in the accumulation of seniority as a result of being willfully absent from employment duties because of a concerted work stoppage or strike shall be calculated in a like manner.

A substitute school service employee may acquire regular employment status and seniority if said employee receives a position pursuant to section fifteen, subsections (2) and (5), article four of this chapter. County boards of education shall not be prohibited from providing any benefits of regular employment for substitute employees, but such benefits shall not include regular employee status and seniority.

If two or more employees accumulate identical seniority, the priority shall be determined by a random selection system established by the employees and approved by the county board.

A board of education shall conduct such random selection within thirty days upon said employees establishing an identical seniority date. All employees with an identical seniority date within the same class title or classification category shall participate in the random selection. As long as the affected employees hold identical seniority within the same classification category, the initial random selection conducted by the board of education shall be permanent for the duration of the employment within the same classification
category of said employees by the board of education. This random selection priority shall apply to the filling of vacancies and to the reduction in force of school service personnel.

Service personnel who are employed in a classification category of employment at the time when a vacancy is posted in the same classification category of employment shall be given first opportunity to fill such vacancy.

Seniority acquired as a substitute and as a regular employee shall be calculated separately and shall not be combined for any purpose. Seniority acquired within different classification categories shall be calculated separately: Provided, That when a school service employee makes application for a position outside of the classification category currently held, if the vacancy is not filled by an applicant within the classification category of the vacancy, the applicant shall combine all regular employment seniority acquired for the purposes of bidding on the position.

School service personnel who hold multi-classification titles shall accrue seniority in each classification category of employment which said employee holds and shall be considered an employee of each classification category contained within his multi-classification title. Multi-classified employees shall be subject to reduction in force in any category of employment contained within their multi-classification title based upon the seniority accumulated within said category of employment: Provided, That if a multi-classified employee is reduced in force in one classification category, said employee shall retain employment in any of the other classification categories that he holds within his multi-classification title. In such a case, the county board of education shall delete the appropriate classification title or classification category from the contract of the multi-classified employee.

When applying to fill a vacancy outside the classification categories held by the multi-classified employee, seniority acquired simultaneously in different classification categories shall be calculated as if accrued in one
classification category only.

The seniority conferred herein shall apply retroactively to all affected school service personnel, but the rights incidental thereto shall commence as of the effective date of this section.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-2. Holidays; closing of schools; time lost because of such; special Saturday classes.

Schools shall not be kept open on any Saturday nor on the following days which are designated as legal school holidays, namely: Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King's birthday, Memorial Day, West Virginia Day, and any day on which a primary election, general election or special election is held throughout the state or school district and any day appointed and set apart by the president or the governor as a holiday of special observance by the people of the state.

When any such holiday falls within the employment term, it shall be considered as a day of the employment term and the full-time school personnel shall receive his or her pay for same. When any of the above designated holidays, except a special election, falls on Saturday, the schools shall be closed on the preceding Friday; when any such falls on Sunday, the schools shall be closed on the following Monday.

Special classes may be conducted on Saturdays, provided they are conducted on a voluntary basis, for pupils and by teachers and service personnel, and that such teachers and service personnel shall be remunerated in ratio to the regularly contracted pay.

Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease, conditions of weather or any other calamitous cause over which the board has no control. Under any or all of the above provisions, the time lost by the closing of schools is counted as days of employment and as meeting a part of the requirements of the minimum
term of one hundred eighty days of instruction. On such
day or days, county boards of education may provide
appropriate alternate work schedules for professional
and service personnel affected by the closing of any
school or schools under any or all of the above provisions.
Professional and service personnel shall receive pay the
same as if school were in session. Insofar as funds are
available or can be made available during the school
year, the board may extend the employment term for
the purpose of making up time that might affect the
instructional term.

In addition to any other provisions of this chapter, the
board is further authorized to provide in its annual
budget for meetings, workshops, vacation time or other
holidays through extended employment of personnel at
the same rate of pay.

§18A-5-8. Authority of certain aides to exercise control
over pupils; compensation; transfers.

(a) Within the limitations provided herein, any aide
who agrees to do so shall stand in the place of the parent
or guardian and shall exercise such authority and
control over pupils as is required of a teacher as defined
and provided in section one of this article. The principal
shall designate such aides in the school who agree to
exercise such authority on the basis of seniority as an
aide and shall enumerate the instances in which such
authority shall be exercised by an aide when requested
by the principal, assistant principal or professional
employee to whom the aide is assigned: Provided, That
such authority does not extend to suspending or
expelling any pupil, participating in the administration
of corporal punishment or performing instructional
duties as a teacher or substitute teacher.

An aide designated by the principal under this
subsection shall receive a salary not less than one pay
grade above the minimum salary to which said aide
would otherwise be entitled under section eight-a,
article four of this chapter, and any county salary
schedule in excess of the minimum requirements of this
article.

(b) An aide shall not be required by the operation of
this section to perform noninstructional duties for an
amount of time which exceeds that required under the
aides's contract of employment or that required of other
aides in the same school, unless the assignment of such
duties is mutually agreed upon by the aide and the
county superintendent, or the superintendent's desig-
nated representative, subject to board approval. The
terms and conditions of such agreement shall be in
writing, signed by both parties, and may include
additional benefits. Such agreement shall be uniform as
to aides assigned similar duties for similar amounts of
time within the same school. Aids shall have the option
of agreeing to supervise students and of renewing
related assignments annually: Provided. That should an
aide elect not to renew the previous agreement to
supervise students, the minimum salary of such aide
shall revert to the pay grade specified in section eight-
a, article four of this chapter for the classification title
held by the aide and any county salary schedule in
excess of the minimum requirements of this article.

(c) For the purposes of this section, aide shall mean
and include any aide class title as defined in section
eight, article four of this chapter, regardless of numeric
classification.

(d) An aide may transfer to another position of
employment one time only during any half of a school
term, unless otherwise mutually agreed upon by the aide
and the county superintendent, or the superintendent's
designee, subject to board approval: Provided. That
during the first year of employment as an aide, an aide
shall not transfer to another position of employment
during the first one-half school term of employment,
unless mutually agreed upon by the aide and county
superintendent, subject to board approval.

(e) Regular service personnel employed in a category
of employment other than aide who seek employment as
an aide shall be required to hold a high school diploma
or have received a general educational development
certificate and shall have opportunity to receive
appropriate training pursuant to subsection (10), section
thirteen, article five, chapter eighteen of this code and
section two, article twenty of said chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 12th day of May, 1993.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/33/43
Time 11:32 am