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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

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# ENROLLED

HOUSE BILL No. 2782

(By Delegate Ashcraft )

— • —

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.**

1 The purpose of this section is to establish an employ-  
2 ment term and class titles for service personnel. The  
3 employment term for service personnel shall be no less  
4 than ten months, a month being defined as twenty  
5 employment days: *Provided*, That the county board of  
6 education may contract with all or part of these  
7 personnel for a longer term. The beginning and closing  
8 dates of the ten-month employment term shall not  
9 exceed forty-three weeks.

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

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

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

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

33 Custodians, aides, maintenance, office and school  
34 lunch employees required to work a daily work schedule  
35 that is interrupted, that is, who do not work a continuous  
36 period in one day, shall be paid additional compensation  
37 which shall be equal to at least one eighth of their total  
38 salary as provided by their state minimum salary and  
39 any county pay supplement, and payable entirely from  
40 county funds: *Provided*, That when engaged in duties of

41 transporting students exclusively, aides shall not be  
42 regarded as working an interrupted schedule.

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

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

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

59 "Pay grade" means the monthly salary applicable to  
60 class titles of service personnel.

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

72 "Class title" means the name of the position or job held  
73 by service personnel.

74 "Accountant I" means personnel employed to maintain  
75 payroll records and reports and perform one or more  
76 operations relating to a phase of the total payroll.

77 "Accountant II" means personnel employed to main-  
78 tain accounting records and to be responsible for the

79 accounting process associated with billing, budgets,  
80 purchasing and related operations.

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

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

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

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

101 "Aide IV" means personnel referred to in the "Aide  
102 I" classification who hold a high school diploma or a  
103 general educational development certificate and who  
104 have completed eighteen hours of state board-approved  
105 college credit at a regionally accredited institution of  
106 higher education, or who have completed fifteen hours  
107 of state board-approved college credit at a regionally  
108 accredited institution of higher education and success-  
109 fully completed an in-service training program deter-  
110 mined by the state board to be the equivalent of three  
111 hours of college credit.

112 "Audiovisual technician" means personnel employed  
113 to perform minor maintenance on audiovisual equip-  
114 ment, films, supplies and the filling of requests for  
115 equipment.

116 "Auditor" means personnel employed to examine and  
117 verify accounts of individual schools and to assist schools

- 118 and school personnel in maintaining complete and  
119 accurate records of their accounts.
- 120 “Autism mentor” means personnel who work with  
121 autistic students and who meet standards and expe-  
122 rience to be determined by the state board: *Provided,*  
123 That the state board shall determine these standards  
124 and experience on or before the first day of July, one  
125 thousand nine hundred ninety-two.
- 126 “Braille or sign language specialist” means personnel  
127 employed to provide braille and/or sign language  
128 assistance to students.
- 129 “Bus operator” means personnel employed to operate  
130 school buses and other school transportation vehicles as  
131 provided by the state board of education.
- 132 “Buyer” means personnel employed to review and  
133 write specifications, negotiate purchase bids and  
134 recommend purchase agreements for materials and  
135 services that meet predetermined specifications at the  
136 lowest available costs.
- 137 “Cabinetmaker” means personnel employed to con-  
138 struct cabinets, tables, bookcases and other furniture.
- 139 “Cafeteria manager” means personnel employed to  
140 direct the operation of a food services program in a  
141 school, including assigning duties to employees, approv-  
142 ing requisitions for supplies and repairs, keeping  
143 inventories, inspecting areas to maintain high standards  
144 of sanitation, preparing financial reports and keeping  
145 records pertinent to food services of a school.
- 146 “Carpenter I” means personnel classified as a carpen-  
147 ter’s helper.
- 148 “Carpenter II” means personnel classified as a  
149 journeyman carpenter.
- 150 “Chief mechanic” means personnel employed to be  
151 responsible for directing activities which ensure that  
152 student transportation or other board-owned vehicles  
153 are properly and safely maintained.
- 154 “Clerk I” means personnel employed to perform

155 clerical tasks.

156 "Clerk II" means personnel employed to perform  
157 general clerical tasks, prepare reports and tabulations  
158 and operate office machines.

159 "Computer operator" means qualified personnel  
160 employed to operate computers.

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

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

168 "Cook III" means personnel employed to prepare and  
169 serve meals, make reports, prepare requisitions for  
170 supplies, order equipment and repairs for a food service  
171 program of a school system.

172 "Crew leader" means personnel employed to organize  
173 the work for a crew of maintenance employees to carry  
174 out assigned projects.

175 "Custodian I" means personnel employed to keep  
176 buildings clean and free of refuse.

177 "Custodian II" means personnel employed as a  
178 watchman or groundsman.

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

182 "Custodian IV" means personnel employed as head  
183 custodians. In addition to providing services as defined  
184 in "Custodian III," their duties may include supervising  
185 other custodian personnel.

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

190 "Draftsman" means personnel employed to plan,

191 design and produce detailed architectural/engineering  
192 drawings.

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

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

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

202 "Electronic technician II" means personnel employed  
203 at the journeyman level to repair and maintain elec-  
204 tronic equipment.

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

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

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

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

225 "Glazier" means personnel employed to replace glass  
226 or other materials in windows and doors and to do minor  
227 carpentry tasks.

- 228 "Graphic artist" means personnel employed to prepare  
229 graphic illustrations.
- 230 "Groundsmen" means personnel employed to perform  
231 duties that relate to the appearance, repair and general  
232 care of school grounds in a county school system.  
233 Additional assignments may include the operation of a  
234 small heating plant and routine cleaning duties in  
235 buildings.
- 236 "Handyman" means personnel employed to perform  
237 routine manual tasks in any operation of the county  
238 school system.
- 239 "Heating and air conditioning mechanic I" means  
240 personnel employed at the apprentice level to install,  
241 repair and maintain heating and air conditioning plants  
242 and related electrical equipment.
- 243 "Heating and air conditioning mechanic II" means  
244 personnel employed at the journeyman level to install,  
245 repair and maintain heating and air conditioning plants  
246 and related electrical equipment.
- 247 "Heavy equipment operator" means personnel em-  
248 ployed to operate heavy equipment.
- 249 "Inventory supervisor" means personnel who are  
250 employed to supervise or maintain operations in the  
251 receipt, storage, inventory and issuance of materials and  
252 supplies.
- 253 "Key punch operator" means qualified personnel  
254 employed to operate key punch machines or verifying  
255 machines.
- 256 "Locksmith" means personnel employed to repair and  
257 maintain locks and safes.
- 258 "Lubrication man" means personnel employed to  
259 lubricate and service gasoline or diesel-powered equip-  
260 ment of a county school system.
- 261 "Machinist" means personnel employed to perform  
262 machinist tasks which include the ability to operate a  
263 lathe, planer, shaper, threading machine and wheel  
264 press. Such personnel should also have ability to work

265 from blueprints and drawings.

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

269 "Maintenance clerk" means personnel employed to  
270 maintain and control a stocking facility to keep ade-  
271 quate tools and supplies on hand for daily withdrawal  
272 for all school maintenance crafts.

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

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

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

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

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

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

298 "Painter" means personnel employed to perform  
299 duties of painting, finishing and decorating of wood,  
300 metal and concrete surfaces of buildings, other struc-  
301 tures, equipment, machinery and furnishings of a  
302 county school system.

303 "Paraprofessional" means a person certified pursuant  
304 to section two-a, article three of this chapter to perform  
305 duties in a support capacity including, but not limited  
306 to, facilitating in the instruction and direct or indirect  
307 supervision of pupils under the direction of a principal,  
308 a teacher, or another designated professional educator:  
309 *Provided*, That no person employed on the effective date  
310 of this section in the position of an aide may be reduced  
311 in force or transferred to create a vacancy for the  
312 employment of a paraprofessional.

313 "Plumber I" means personnel employed as an apprent-  
314 ice plumber and helper.

315 "Plumber II" means personnel employed as a journey-  
316 man plumber.

317 "Printing operator" means personnel employed to  
318 operate duplication equipment, and as required, to cut,  
319 collate, staple, bind and shelve materials.

320 "Printing supervisor" means personnel employed to  
321 supervise the operation of a print shop.

322 "Programmer" means personnel employed to design  
323 and prepare programs for computer operation.

324 "Roofing/sheet metal mechanic" means personnel  
325 employed to install, repair, fabricate and maintain roofs,  
326 gutters, flashing and duct work for heating and  
327 ventilation.

328 "Sanitation plant operator" means personnel employed  
329 to operate and maintain a water or sewage treatment  
330 plant to ensure the safety of the plant's effluent for  
331 human consumption or environmental protection.

332 "School bus supervisor" means qualified personnel  
333 employed to assist in selecting school bus operators and  
334 routing and scheduling of school buses, operate a bus  
335 when needed, relay instructions to bus operators, plan  
336 emergency routing of buses and promoting good  
337 relationships with parents, pupils, bus operators and  
338 other employees.

339 "Secretary I" means personnel employed to transcribe  
340 from notes or mechanical equipment, receive callers,

341 perform clerical tasks, prepare reports and operate  
342 office machines.

343 "Secretary II" means personnel employed in any  
344 elementary, secondary, kindergarten, nursery, special  
345 education, vocational or any other school as a secretary.  
346 The duties may include performing general clerical  
347 tasks, transcribing from notes or stenotype or mechanical  
348 equipment or a sound-producing machine, prepar-  
349 ing reports, receiving callers and referring them to  
350 proper persons, operating office machines, keeping  
351 records and handling routine correspondence. There is  
352 nothing implied herein that would prevent such em-  
353 ployees from holding or being elevated to a higher  
354 classification.

355 "Secretary III" means personnel assigned to the  
356 county board of education office administrators in  
357 charge of various instructional, maintenance, transpor-  
358 tation, food services, operations and health departments,  
359 federal programs or departments with particular  
360 responsibilities of purchasing and financial control or  
361 any personnel who have served in a position which meets  
362 the definition of "Secretary II" or "Secretary III" herein  
363 for eight years.

364 "Supervisor of maintenance" means skilled personnel  
365 not defined as professional personnel or professional  
366 educators as in section one, article one of this chapter.  
367 The responsibilities would include directing the upkeep  
368 of buildings and shops, issuing instructions to subordi-  
369 nates relating to cleaning, repairs and maintenance of  
370 all structures and mechanical and electrical equipment  
371 of a board of education.

372 "Supervisor of transportation" means qualified  
373 personnel employed to direct school transportation  
374 activities, properly and safely, and to supervise the  
375 maintenance and repair of vehicles, buses, and other  
376 mechanical and mobile equipment used by the county  
377 school system.

378 "Switchboard operator-receptionist" means personnel  
379 employed to refer incoming calls, to assume contact with  
380 the public, to direct and to give instructions as neces-

381 sary, to operate switchboard equipment and to provide  
382 clerical assistance.

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

385 "Warehouse clerk" means personnel employed to be  
386 responsible for receiving, storing, packing and shipping  
387 goods.

388 "Watchman" means personnel employed to protect  
389 school property against damage or theft. Additional  
390 assignments may include operation of a small heating  
391 plant and routine cleaning duties.

392 "Welder" means personnel employed to provide  
393 acetylene or electric welding services for a school  
394 system.

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

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

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

420 legal action necessary against any county board to  
421 enforce such order.

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

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

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

**§18A-4-8g. Determination of seniority for service personnel.**

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

3 Seniority accumulation for a regular school service  
4 employee shall begin on the date such employee enters  
5 upon regular employment duties pursuant to a contract  
6 as provided in section five, article two of this chapter  
7 and shall continue until the employee's employment as  
8 a regular employee is severed with the county board of  
9 education. Seniority shall not cease to accumulate when  
10 an employee is absent without pay as authorized by the  
11 county board or the absence is due to illness or other

12 reasons over which the employee has no control as  
13 authorized by the county board. Seniority accumulation  
14 for a substitute employee shall begin upon the date the  
15 employee enters upon the duties of a substitute as  
16 provided in section fifteen, article four of this chapter,  
17 after executing with the board a contract of employment  
18 as provided in section five, article two of this chapter.  
19 The seniority of a substitute employee, once established,  
20 shall continue until such employee enters into the duties  
21 of a regular employment contract as provided in section  
22 five, article two of this chapter or employment as a  
23 substitute with the county board of education is severed.  
24 Seniority of a regular or substitute employee shall  
25 continue to accumulate except during the time when an  
26 employee is willfully absent from employment duties  
27 because of a concerted work stoppage or strike or is  
28 suspended without pay.

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

41 On or before the first day of September and the  
42 fifteenth day of January of each school year, county  
43 boards of education shall post at each county school or  
44 working station the current seniority list or lists of each  
45 school service classification. Each list shall contain the  
46 name of each regularly employed school service person-  
47 nel employed in each classification and the date that  
48 each employee began performing his assigned duties in  
49 each classification. Current seniority lists of substitute  
50 school service personnel shall be available to employees  
51 upon request at the county board of education office.

52 The seniority of an employee who transfers out of a

53 class title or classification category of employment and  
54 subsequently returns to said class title or classification  
55 category of employment shall be calculated as follows:

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

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

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

83 A board of education shall conduct such random  
84 selection within thirty days upon said employees  
85 establishing an identical seniority date. All employees  
86 with an identical seniority date within the same class  
87 title or classification category shall participate in the  
88 random selection. As long as the affected employees hold  
89 identical seniority within the same classification  
90 category, the initial random selection conducted by the  
91 board of education shall be permanent for the duration  
92 of the employment within the same classification

93 category of said employees by the board of education.  
94 This random selection priority shall apply to the filling  
95 of vacancies and to the reduction in force of school  
96 service personnel.

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

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

112 School service personnel who hold multi-classification  
113 titles shall accrue seniority in each classification  
114 category of employment which said employee holds and  
115 shall be considered an employee of each classification  
116 category contained within his multi-classification title.  
117 Multi-classified employees shall be subject to reduction  
118 in force in any category of employment contained within  
119 their multi-classification title based upon the seniority  
120 accumulated within said category of employment:  
121 *Provided*, That if a multi-classified employee is reduced  
122 in force in one classification category, said employee  
123 shall retain employment in any of the other classifica-  
124 tion categories that he holds within his multi-classifica-  
125 tion title. In such a case, the county board of education  
126 shall delete the appropriate classification title or  
127 classification category from the contract of the multi-  
128 classified employee.

129 When applying to fill a vacancy outside the classifi-  
130 cation categories held by the multi-classified employee,  
131 seniority acquired simultaneously in different classifica-  
132 tion categories shall be calculated as if accrued in one

133 classification category only.

134 The seniority conferred herein shall apply retroac-  
135 tively to all affected school service personnel, but the  
136 rights incidental thereto shall commence as of the  
137 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.**

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

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

20 Special classes may be conducted on Saturdays,  
21 provided they are conducted on a voluntary basis, for  
22 pupils and by teachers and service personnel, and that  
23 such teachers and service personnel shall be remuner-  
24 ated in ratio to the regularly contracted pay.

25 Any school or schools may be closed by proper  
26 authorities on account of the prevalence of contagious  
27 disease, conditions of weather or any other calamitous  
28 cause over which the board has no control. Under any  
29 or all of the above provisions, the time lost by the closing  
30 of schools is counted as days of employment and as  
31 meeting a part of the requirements of the minimum

32 term of one hundred eighty days of instruction. On such  
33 day or days, county boards of education may provide  
34 appropriate alternate work schedules for professional  
35 and service personnel affected by the closing of any  
36 school or schools under any or all of the above provisions.  
37 Professional and service personnel shall receive pay the  
38 same as if school were in session. Insofar as funds are  
39 available or can be made available during the school  
40 year, the board may extend the employment term for  
41 the purpose of making up time that might affect the  
42 instructional term.

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

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

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

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

23 (b) An aide shall not be required by the operation of

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

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

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

58 (e) Regular service personnel employed in a category  
59 of employment other than aide who seek employment as  
60 an aide shall be required to hold a high school diploma  
61 or have received a general educational development  
62 certificate and shall have opportunity to receive  
63 appropriate training pursuant to subsection (10), section  
64 thirteen, article five, chapter eighteen of this code and  
65 section two, article twenty of said chapter.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*Donald R. Hoopp*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker of the House of Delegates

The within *is* approved this the *12<sup>th</sup>*  
day of *May*, 1993.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/23/93

Time

11:32 am