WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4180

(By Delegates Ashcraft and Brownfoot)

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Passed March 10, 1994

In Effect Ninety Day from Passage
AN ACT to amend and reenact sections eight, eight-g, fifteen and sixteen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to class titles of service personnel; definitions; employment of service personnel substitutes; extracurricular assignments; and termination of seniority for service personnel.

Be it enacted by the Legislature of West Virginia:

That sections eight, eight-g, fifteen and sixteen, article four, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 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 experience 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 construct 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, approving 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 carpenter'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 clerical tasks.

"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 who are assigned to direct a department or division. Nothing herein shall prohibit professional personnel or professional educators as defined in section one, article one of this chapter, from holding this class title, but professional personnel shall not be defined or classified as service personnel unless the professional personnel held a service personnel title under this section prior to holding class title of “director or coordinator of services”: Provided, That funding for professional personnel in positions classified as directors or coordinators of services who were assigned prior to the first day of May, one thousand nine hundred ninety-four,
shall not be required to be redirected from service personnel categories as a result of this provision until the first day of July, one thousand nine hundred ninety-six. Thereafter, directors or coordinators of service positions shall be classified as either a professional personnel or service personnel position for state aid formula funding purposes and funding for directors or coordinators of service positions shall be based upon the employment status of the director or coordinator either as a professional personnel or service personnel.

“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.

"Inventory 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
"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. 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 necessary, to operate switchboard equipment and to provide clerical assistance.

“Truck driver” means personnel employed to operate light or heavy duty gasoline and diesel-powered vehicles.

“Warehouse clerk” means personnel employed to be responsible for receiving, storing, packing and shipping goods.

“Watchman” means personnel employed to protect school property against damage or theft. Additional assignments may include operation of a small heating plant and routine cleaning duties.

“Welder” means personnel employed to provide acetylene or electric welding services for a school system.

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

Service personnel whose years of employment exceed the number of years shown and provided for under the state minimum pay scale set forth in section eight-a of this article may not be paid less than the amount shown for the maximum years of employment shown and provided for in the classification in which he is
The county boards shall review each service personnel employee job classification annually and shall reclassify all service employees as required by such job classifications. The state superintendent of schools is hereby authorized to withhold state funds appropriated pursuant to this article for salaries for service personnel who are improperly classified by such county boards. Further, he shall order county boards to correct immediately any improper classification matter and 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 physically 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 continuing 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 personnel.
The seniority for service personnel shall be determined 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 person-
nel 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 shall acquire
regular employment status and seniority if said em-
ployee 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 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 classifica-
tion categories that he holds within his multi-classifica-
tion 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 classifi-
cation categories held by the multi-classified employee,
seniority acquired simultaneously in different classifica-
tion categories shall be calculated as if accrued in one
classification category only.

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

§18A-4-15. Employment of service personnel substitutes.

The county board shall employ and the county
superintendent, subject to the approval of the county
board of education, shall assign substitute service
personnel on the basis of seniority to perform any of the
following duties:

(1) To fill the temporary absence of another service
employee;

(2) To fill the position of a regular service employee
on leave of absence: Provided, That if such leave of
absence is to extend beyond thirty days, the board,
within twenty working days from the commencement of
the leave of absence, shall give regular employee status
to a person hired to fill such position. The person
employed on a regular basis shall be selected under the
procedure set forth in section eight-b of this article. The
substitute shall hold such position and regular employee
status only until the regular employee shall be returned
to such position and the substitute shall have and shall
be accorded all rights, privileges and benefits pertain-
ing to such position;

(3) To perform the service of a service employee who
is authorized to be absent from duties without loss of
(4) To temporarily fill a vacancy in a permanent position caused by severance of employment by the resignation, transfer, retirement, permanent disability or death of the regular service employee who had been assigned to fill such position: Provided, That within twenty working days from the commencement of the vacancy, the board shall fill such vacancy under the procedures set out in section eight-b of this article and section five, article two of this chapter and such person hired to fill the vacancy shall have and shall be accorded all rights, privileges and benefits pertaining to such position;

(5) To fill the vacancy created by a regular employee's suspension: Provided, That if the suspension is for more than thirty working days the substitute service employee shall be assigned to fill the vacancy on a regular basis and shall have and be accorded all rights, privileges and benefits pertaining to such position until such termination by the county board of education becomes final. If the suspended employee is not returned to his job, the board shall fill the vacancy under the procedures set out in section eight-b of this article and section five, article two of this chapter; and

(6) To temporarily fill a vacancy in a newly created position prior to employment of a service personnel on a regular basis under the procedure set forth in section eight-b of this article.

Substitutes shall be assigned in the following manner: A substitute with the greatest length of service time, that is, from the date he began his assigned duties as a substitute in that particular category of employment, shall be given priority in accepting the assignment throughout the period of the regular employee's absence or until the vacancy is filled on a regular basis under the procedures set out in section eight-b of this article. All substitutes shall be employed on a rotating basis according to the length of their service time until each substitute has had an opportunity to perform similar assignments: Provided, That if there are regular service
employees employed in the same building or working
station as the absent employee and who are employed
in the same classification category of employment, such
regular employees shall be first offered the opportunity
to fill the position of the absent employee on a rotating
and seniority basis with the substitute then filling the
regular employee's position. A regular employee as-
signed to fill the position of an absent employee shall be
given the opportunity to hold that position throughout
such absence.

The salary of a substitute service employee shall be
based upon his years of employment as defined in
section eight of this article and as provided in the state
minimum pay scale set forth in section eight-a of this
article and shall be in accordance with the salary
schedule of persons regularly employed in the same
position in the county in which he is employed.

Before any substitute service employee enters upon his
duties, he shall execute with the county board of
education a written contract as provided in section five,
article two of this chapter.

To establish a uniform system of providing a fair and
equitable opportunity for substitutes to enter upon their
duties for the first time, the following method shall be
used: The initial order of assigning newly employed
substitutes shall be determined by a random selection
system established by the affected substitute employees
and approved by the county board. This initial priority
order shall be in effect only until the substitute service
personnel have entered upon their duties for the first
time.

Substitute service employees who have worked thirty
days for a school system shall have all rights pertaining
to suspension, dismissal and contract renewal as is
granted to regular service personnel in sections six,
seven, eight and eight-a, article two of this chapter.

§18A-4-16. Extracurricular assignments.

(1) The assignment of teachers and service personnel
to extracurricular assignments shall be made only by
mutual agreement of the employee and the superintendent, or designated representative, subject to board approval. Extracurricular duties shall mean, but not be limited to, any activities that occur at times other than regularly scheduled working hours, which include the instructing, coaching, chaperoning, escorting, providing support services or caring for the needs of students, and which occur on a regularly scheduled basis.

(2) The employee and the superintendent, or a designated representative, subject to board approval, shall mutually agree upon the maximum number of hours of extracurricular assignment in each school year for each extracurricular assignment.

(3) The terms and conditions of the agreement between the employee and the board of education shall be in writing and signed by both parties.

(4) An employee's contract of employment shall be separate from the extracurricular assignment agreement provided for in this section and shall not be conditioned upon the employee's acceptance or continuance of any extracurricular assignment proposed by the superintendent, a designated representative, or the board.

(5) The board of education shall fill extracurricular and supplemental school service personnel assignments and vacancies in accordance with section eight-b, article four of this chapter: Provided, That an alternative procedure for making extracurricular and supplemental school service personnel assignments within a particular classification category of employment may be utilized if the alternative procedure is approved both by the county board of education and by an affirmative vote of two thirds of the employees within that classification category of employment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest E. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 30th day of March, 1994.

Governor